LEGAL ARGUMENTS

1. IT IS INCONCEIVABLE THAT THE COURT'S OF THE UNITED STATES COULD FOCUS THEIR ATTENTION UPON THE " CRUEL AND UNUSUAL PUNISHMENTS INFLICTED " PHRASE FOUND IN THE EIGHTH ARTICLE OF AMENDMENT OF THE UNITED STATES CONSTITUTION, LIMITING ITS APPLICATION TO THE METHOD, OR PROTOCOLS OF AN EXECUTION, WHILE IGNORING THE PRIMARY PURPOSE OF THE PROVISION WHICH BEARS A NEXUS TO THE PROHIBITIVE WRIT OF *habeas corpus* CLAUSE.[1]

2. IN THE SAME MANNER AS CONDITIONS OF CONFINEMENT MAY IMPEDE, OR EVEN DESTROY THE PROGRESS OF RAISING A CONSTITUTIONAL CLAIM UNDER THE HABEAS-CORPUS ACT; ALEXANDER HAMILTON COMPORTS A REMEDIAL ANALYSIS IN FEDERALIST NO. 84, SURPASSING THE REMEDY WHICH IS CONSTRUCTED BY CONGRESS IN THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT (AEDPA).[2] HE DELINEATES A SPECIFIC CONSTITUTIONAL MATRIX, ONE THAT

F.N.#

1) SEE ARTICLE 1, SECTION 9, CLAUSE 2 - " THE PRIVILEGE OF THE WRIT OF *Habeas Corpus* SHALL NOT BE SUSPENDED, UNLESS WHEN IN CASES OF REBELLION OR INVASION THE PUBLIC SAFETY MAY REQUIRE IT. "/ 2) SEE 28 U.S.C. § 2244 (d)(1)(B); 28 U.S.C. § 2255 (f)(2).

REMAINS IN FULL FORCE, NOTWITHSTANDING JUDICIAL DOCTRINES ADVANCED THAT HAVE ALTERED THE VITAL PRINCIPLES ESTABLISHED BY THE FOUNDING GENERATION. IN FEDERALIST NO. 84, PARAGRAPH 5 HAMILTON STATES:

3. "THE PRACTICE OF ARBITRARY IMPRISONMENTS, HAVE BEEN, IN ALL AGES, THE FAVORITE AND MOST FORMIDABLE INSTRUMENTS OF TYRANNY. THE OBSERVATIONS OF THE JUDICIOUS BLACKSTONE,... ARE WELL WORTHY OF RECITAL: 'TO DEPRIVE A MAN OF LIFE, [SAYS HE,] OR BY VIOLENCE TO CONFISCATE HIS ESTATE, WITHOUT ACCUSATION OR TRIAL, WOULD BE SO GROSS AND NOTORIOUS AN ACT OF DESPOTISM, AS MUST AT ONCE CONVEY THE ALARM OF TYRANNY THROUGHOUT THE WHOLE NATION; BUT CONFINEMENT OF THE PERSON, BY SECRETLY HURRYING HIM TO JAIL, WHERE HIS SUFFERINGS ARE UNKNOWN OR FORGOTTEN, IS A LESS PUBLIC, A LESS STRIKING, AND THEREFORE *a more dangerous engine* OF ARBITRARY GOVERNMENT.' AND AS A REMEDY FOR THIS FATAL EVIL HE IS EVERYWHERE PECULIARLY EMPHATICAL IN HIS ENCOMIUMS ON THE *habeas-corpus* ACT, WHICH IN ONE PLACE HE CALLS 'THE **BULWARK** OF THE BRITISH CONSTITUTION.'"

4. THE PROHIBITIVE WRIT OF ARTICLE 1, SECTION 9, CLAUSE 2, THE FOUNDING GENERATION ALSO VIEWED AS A RAMPART, OR MEANS OF PROTECTION. THE WRIT IS BUTTRESSED BY THE PROHIBITIVE BILL OF RIGHTS, THEY ARE DECLATORY CLAUSES CORRESPONDENT TO POSITIVE LAW; A SPECIFIC MATRIX

APPLICABLE TO THE CENTRAL AUTHORITY. THE COURTS OF THE UNITED STATES THROUGH CONSTRUCTIVE POWERS ASSUMED, SUBSEQUENTLY SUPPORTED BY CONGRESS, HAVE SO COMPLETELY ASSOCIATED THE WRIT TO THAT OF RELIEF SOUGHT FOR BY PRISONERS, AS MATTERS OF LAW THAT OPERATE WITHIN A COMMON LAW CIRCULATORY SYSTEM THAT VIOLATES FUNDAMENTAL PRINCIPLES ROOTED WITHIN THE TEXT.[3]

5. THE EIGHTH ARTICLE OF AMENDMENT IS A COMPONENT PART OF A COMPLEX SYSTEM DEPENDENT UPON OTHER PROVISIONS THAT DULY WORK WITHIN THE AUTONOMOUS *preëxisting* CRIMINAL JURISDICTIONS OF THE SEVERAL STATES. THIS SYSTEM OF THOUGHT, RATIFIED BY THE PEOPLE, IS DESCRIBED TO THEM AND TO THE COURTS IN VARIOUS FORMS. WADE LAW WILL CALL UPON THOSE MULTIPLE SOURCES, SUCH AS: JAMES MADISON'S NOTES OF DEBATE IN THE FEDERAL CONVENTION OF 1787[a]; THE FEDERALIST PAPERS[b]; ALEXANDER HAMILTON'S SPEECH AT THE NEW YORK RATIFYING CONVENTION[c] - JUNE 21, 1788;

F.R.*

3) SEE 28 USC § 2254 (d)(1). /a) N.D.F.C.; b) FED. P.; c) HAM. - N.Y.R.C.;

AND, MADISON'S PRESENTATION TO THE 1ST CONGRESS, PROPOSAL FOR A BILL OF RIGHTS - JUNE 08, 1789.[d]

6. WITHIN THIS HISTORICAL NARRATIVE, THE UNITED STATES DISTRICT COURT FOR THE WESTERN DIST. OF OKLAHOMA (U.S.D.C. W.D./OK.), WILL BE FORCED TO CONSIDER THE PREMIER CONSTITUTIONAL ORDER ESTABLISHED BY THE FOUNDING GENERATION CONCERNING THE UTILITY OF THE EIGHTH AMENDMENT. THE CONTRAST BETWEEN THE TWO SYSTEMS, AS ARTICULATED BY HAMILTON IN FEDERALIST NO. 84, PAR. 5, IC. THE OLD ORDER IN GREAT BRITIAN, AND THE NEW PLAN REPORTED BY THE CONVENTION FOR THE PEOPLE OF THE UNITED STATES; IS USED TO SHOW THE SIMILARITY OF PURPOSE ACHIEVABLE THROUGH DIFFERENT MEANS.

7. THE TERM - "BULWARK OF THE BRITISH CONSTITUTION", BEING APPLIED TO THE WRIT OF *habeas corpus* BY BLACKSTONE, AS CITED BY HAMILTON, (THE HISTORY OF GREAT BRITIAN BEING A STRUGGLE BETWEEN THE LORDS AND

d) MAD.- PROP., E.O.R.

COMMONS, VYING FOR CONTROL OVER, OR INFLUENCE THROUGH WHATEVER MEANS TO SHAPE THE SYSTEM OF GOVERNMENT,) REFERS TO AN ATTEMPT TO SEEK PROTECTIONS CONSONANT WITH THAT WILL OF THOSE ACTORS SEEKING TO DOMINATE THE POLITICAL AND FINANCIAL ORDER OF THE KINGDOM.

8. FOR US, IN THE UNITED STATES, HAMILTON IS USING THE ANALOGY TO EMPHASIZE THE DIFFERENCE, THAT THE OLD ORDER WAS FOUNDED UPON:

9. "STIPULATIONS BETWEEN KINGS AND THEIR SUBJECTS, ABRIDGEMENTS OF PREROGATIVE IN FAVOR OF PRIVELEGE, RESERVATIONS OF RIGHTS NOT SURRENDERED TO THE PRINCE.[4]" FOR THE AMERICAN PEOPLE, UNDER THE NEW GOVERNMENT, HE DESCRIBES AN ENTIRELY DIFFERENT MECHANISM, SAYING:

10. "A MINUTE DETAIL OF PARTICULAR RIGHTS IS CERTAINLY FAR LESS APPLICABLE TO A CONSTITUTION LIKE THAT UNDER CONSIDERATION, WHICH IS MERELY INTENDED TO REGULATE THE GENERAL POLITICAL INTERESTS OF THE NATION, THAN TO ONE WHICH HAS THE REGULATION OF EVERY SPECIES OF PERSONAL AND PRIVATE CONCERNS.[5]" ADDTIONALLY, HE SAYS:

F.N.s
4) SEE FEDERALIST NO. 84, PAR 8. / 5) SEE FEDERALIST NO. 84, PAR. 9.

10-A "THAT ALL OBSERVATIONS FOUNDED UPON THE DANGER OF USURPATION OUGHT TO BE REFERRED TO THE COMPOSITION AND STRUCTURE OF THE GOVERNMENT[6], NOT TO THE NATURE AND EXTENT OF ITS POWERS."

11. WHAT HAMILTON IS PROMOTING IS A CONSTRUCT IN WHICH, "THE CONSTITUTIONAL EQUILIBRIUM BETWEEN THE GENERAL AND STATE GOVERNMENTS", IS VIEWED AS BEING A SYSTEM WHERE: "THE PEOPLE, BY THROWING THEMSELVES INTO EITHER SCALE, WILL INFALLIBLY MAKE IT PREPONDERATE." HE ADDS: "IF THEIR RIGHTS ARE INVADED BY EITHER, THEY CAN MAKE USE OF THE OTHER AS THE INSTRUMENT OF REDRESS."[7]

HAMILTON STATES:

12. "HOW WISE WILL IT BE IN THEM BY CHERISHING THE UNION TO PRESERVE TO THEMSELVES AN ADVANTAGE WHICH CAN NEVER BE TOO HIGHLY PRIZED!"[8]

13. HOWEVER, AMERICANS TODAY KNOW NOTHING ABOUT THIS CONSTITUTIONAL EQUILIBRIUM THAT IS SO CLEARLY MEANT TO BALANCE ON THE SCALES OF STRUCTURE. IN THE SAME MANNER AS THOSE LORDS, NOBLES, AND

F.N.#
6) SEE FEDERALIST NO. 31, PAR. 14. /7) SEE FEDERALIST NO. 28, PAR. 7. /8) ibid

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BARONS STOOD, SWORD IN HAND BEFORE KING JOHN, SEEKING RIGHTS UNDER MAGNA CHARTA; THE RIGHTS CONSCIOUSNESS OF MODERN DAY AMERICA HAS PRODUCED LARGE FACTIONS, SUCH AS THE N.A.A.C.P., THE A.C.L.U., EVEN THE F.B.D., AND THIS NEW YORK LAW FIRM CROWELL-MORING, WHO SEEK TO ACHIEVE CERTAIN ENDS, WHETHER SINCERELY OR SELF-SERVING, THEY SUPPLANT THE ACTUAL PURPOSE OF THE EIGHTH AMENDMENT. THEY HAVE CREATED A CONSTITUTIONAL VACUUM FOR THE PLAINTIFF (WADE LAY), WHERE THE ACTUAL BULWARK, OR RAMPART IS NO PROTECTION AT ALL.

14. IN THIS MODERN DAY SCENARIO, EVEN THOUGH THE LAWYERS APPEAR TO BE PUTTING FORTH CONSTITUTIONAL CLAIMS AND LEGAL ASSERTIONS IN LINE WITH THOSE DEMANDS, THEY ARE IN REALITY SEEKING "ABRIDGMENTS OF PREROGATIVE IN FAVOR OF PRIVELEGE". THEY CANNOT GO OUTSIDE THE COMMON LAW BOUNDARIES DRAWN BY THE FEDERAL COURTS, OR

TO SAY, THE BOUNDARIES THE SUBORDINATE COURTS OPERATE WITHIN, DRAWN BY THE SUPREME COURT OF THE UNITED STATES.

15. HAMILTON IN HIS SPEECH BEFORE THE NEW YORK RATIFYING CONVENTION ADDRESSES THE FOUNDATIONAL UNDERPINNINGS OF THE NEW SYSTEM BEING PRESENTED, A CONSTRUCT THAT DENIES SUCH ARBITRARY RULINGS UNDER CONSTRUCTIVE POWERS BY COURTS THAT VIOLATE THE NINTH AMENDMENT[9]. HE SAYS: "MANY MISTAKES HAVE ARISEN FROM FALLACIOUS COMPARISONS BETWEEN OUR GOVERNMENT AND THEIRS"[10], i.e., THE BRITISH GOVERNMENT. HAMILTON CALLS UPON THE HISTORICAL RECORD OF TWO SEPERATE FACTIONS IN GREAT BRITIAN GAINING STRENGTH OVER TIME, FINDING THEIR WAY INTO THE ARENA OF PARLIAMENT WITH REPRESENTATION IN THE HOUSE OF COMMONS. THE CHARACTER OF THIS HISTORIC BRANCH IS SEEN, OR TRANSMITTED INTO OUR BI-CAMERAL LEGISLATURE. HAMILTON DESCRIBES SAYING:

16. "BY FAR THE GREATEST PART OF THE HOUSE OF COMMONS IS COMPOSED OF REPRESENTATIVES OF TOWNS OR BURROUGHS: THESE TOWNS HAD ANTI-

F.N.s 9) THE ENUMERATION IN THE CONSTITUTION, OF CERTIAN RIGHTS, SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE. 10) HAM.- N.Y.R.C.

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"ENTLY NO VOICE IN PARLIAMENT; BUT ON THE EXTENSION OF COMMERCIAL WEALTH AND INFLUENCE, THEY WERE ADMITTED TO A SEAT. MANY OF THEM ARE IN POSSESSION AND GIFT OF THE KING; AND FROM THEIR DEPENDENCE ON HIM, AND THE DESTRUCTION OF THE RIGHT OF FREE ELECTION, THEY ARE STIGMATIZED WITH THE APPELLATION OF ROTTEN BOROUGHS. THIS IS THE TRUE SOURCE OF THE CORRUPTION, WHICH HAS SO LONG EXCITED THE SEVERE ANIMADVERSION OF ZEALOUS POLITICIANS AND PATRIOTS. [11] BUT THE KNIGHTS OF THE SHIRE, WHO FORM ANOTHER BRANCH OF THE HOUSE OF COMMONS, AND WHO ARE CHOSEN FROM THE BODY OF THE COUNTIES THEY REPRESENT, HAVE BEEN GENERALLY ESTEEMED A VIRTUOUS AND INCORRUPTIBLE SET OF MEN. I APPEAL, SIR, TO THE HISTORY OF THAT HOUSE: THIS WILL SHOW US, THAT THE RIGHTS OF THE PEOPLE HAVE BEEN EVER VERY SAFELY TRUSTED TO THEIR PROTECTION; THAT THEY HAVE BEEN THE ABLEST BULWARKS OF THE BRITISH COMMONS; AND THAT IN THE CONFLICT OF PARTIES, BY THROWING THEIR WEIGHT INTO ONE SCALE OR THE OTHER, THEY HAVE UNIFORMALY SUPPORTED AND STRENGTHENED THE CONSTITUTIONAL CLAIMS OF THE PEOPLE." (EMPHASIS ADDED).

17. THE FRAMERS, IN ESTABLISHING OUR SYSTEM, TOOK FROM OTHER SYSTEMS, PRIMARILY THE BRITISH, THE BEST PARTS, TO DEAL WITH THE AGE OLD CONFLICT THAT HAS DOMINATED HUMAN AFFAIRS SINCE THE BEGINNING; THE BATTLE OVER CONTROL THAT WAGES BETWEEN THE RICH AND THE WORKING CLASS, TO GOVERN THE AFFAIRS

F.N.
11) WE SEE THIS FORCE OF INFLUENCE, IE, "ON THE EXTENSION OF COMMERCIAL WEALTH AND INFLUENCE," BEING MADE A PARLIAMENTARY VOICE, OUTSIDE OF THE ELECTORATE, THROUGH MEANS OF SUCH CASES AS: Santa Clara County, (118 U.S. 394 (1886)); Citizens United,

OF SOCIETY.[12] IN THE "PLAN REPORTED BY THE CONVENTION," WE FIND IN OUR CONSTITUTION A COMPOSITION THAT MIRRORS BOTH ATTRIBUTES OF THAT ANTIENT HOUSE OF COMMONS HAMILTON REFERS TO ABOVE. THAT INEVITABLE "EXTENSION OF COMMERCIAL WEALTH AND INFLUENCE," WE SEE CONTROLLED IN THE UNITED STATES SENATE, UNDER THEIR ORIGINAL MODE OF ELECTION AND VARIOUS QUALITIES OF POWER.[13] IN THE ATTRIBUTES OF THE "KNIGHTS OF THE SHIRE,... CHOSEN FROM THE BODY OF THE COUNTIES THEY REPRESENT," WE SEE AND EXTENSION OF THAT APPOINTMENT OF U.S. SENATORS BY THE STATE LEGISLATURES. IT IS WITHIN OUR HOUSE OF REPRESENTATIVES, THAT THE OPPOSITE SIDE OF THE SCALE IS SEEN, i.e., THE "CONSTITUTIONAL CLAIMS OF THE PEOPLE"; AND FINALLY, IT IS THE STATE LEGISLATURES THEMSELVES, WHERE WE FIND THE FORCE OF THAT NOBILITY, THAT WAS REPRESENTED IN THE HOUSE OF LORDS. IT IS A STATE LEGISLATIVE PRESENCE IN THE U.S. NATIONAL COUNCILS.[14]

(B.) HAMILTON DEFINES THIS IN HIS SPEECH BEFORE THE DELEGATES, HE SAYS:

F.N.:
[12] SEE FEDERALIST NO. 27, PARA. 6 [13] SEE ARTICLE 1, SECTION 3, CLAUSE 1. [14] ibid.

19. "I ACKNOWLEDGE, THAT THE LOCAL INTEREST OF THE STATES ARE IN SOME DEGREE VARIOUS; AND THAT THERE IS SOME DIFFERENCE IN THEIR HABITS AND MANNERS: BUT THIS I WILL PRESUME TO AFFIRM; THAT, FROM NEW HAMPSHIRE TO GEORGIA, THE PEOPLE OF AMERICA ARE AS UNIFORM IN THEIR INTEREST AND MANNERS, AS THOSE OF ANY ESTABLISHED IN EUROPE. THIS DIVERSITY, TO THE EYE OF A SPECULATIST, MAY AFFORD SOME MARKS OF CHARACTERISTIC DISCRIMINATION, BUT CANNOT FORM AN IMPEDIMENT *to the regular operation of those general powers*, WHICH THE CONSTITUTION GIVES TO THE UNITED GOVERNMENT. WERE THE LAWS OF THE UNION TO NEW MODEL THE INTERNAL POLICE OF ANY STATE; WERE THEY TO ALTER, OR ABROGATE AT A BLOW, THE WHOLE OF ITS CIVIL AND CRIMINAL INSTITUTIONS; WERE THEY TO PENETRATE THE RECESSES OF DOMESTIC LIFE, AND CONTROUL, IN ALL RESPECTS, THE PRIVATE CONDUCT OF INDIVIDUALS, THERE MIGHT BE MORE FORCE IN THE OBJECTION: AND THE SAME CONSTITUTION, WHICH WAS HAPPILY CALCULATED FOR ONE STATE, MIGHT SACRIFICE THE WELFARE OF ANOTHER." (EMPHASIS ADDED).

20. THIS IS WHY THE SOUTH CRIED OUT "REVOLUTION" AT THE PROPOSITION OF THE 14TH AMENDMENT. EACH CONSTITUTIONAL DISTINCTION UNDERLINED ABOVE, THE INTERNAL POLICE; THE CIVIL AND CRIMINAL JURISDICTIONS OF STATE COURTS; THE PRIVATE CONDUCT OF INDIVIDUALS, ALL THESE ATTRIBUTES OF FEDERALISM, THE U.S. SUPREME COURT REMODELED THROUGH THE DOCTRINE OF SUBSTANTIVE

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DUE PROCESS, PURSUANT TO THE 14TH AMENDMENT.

21. THE VARIETY OF LOCAL INTEREST, OR DIVERSITY HAMILTON RECOGNIZES BEFORE THE NEW YORK RATIFYING CONVENTION, THE U.S. SUPREME COURT HAS USED AS A SWORD TO DESTROY THE UNITY, OR, "the regular operation of those general powers, WHICH THE CONSTITUTION GIVES TO THE [AMERICAN PEOPLE, TO ENJOY THE QUALITIES OF A] UNITED GOVERNMENT." THE DIVISION WE SEE TODAY, QUARRELING OVER "EVERY SPECIES OF PERSONAL AND PRIVATE CONCERNS"[15]; WE HAVE SURRENDERED THE SOVEREIGN RIGHT GIVEN TO EACH STATE BY THE CONSTITUTION, "TO REGULATE THE GENERAL POLITICAL INTEREST", THROUGH VARIOUS PROVISIONAL MEANS, TO INCLUDE MODES OF ELECTION OF THE PRESIDENT AND SENATORS OF THE UNITED STATES.

22. IT IS A DESIGN THAT PROTECTS POLITICAL ACTORS AND CITIZENS WHO MIGHT ENGAGE IN RESISTANCE OF USURPATION BY THE NATIONAL RULERS, THE CAUSE IN WHICH HAMILTON SO PERFECTLY SUPPORTS. IT IS THE COMPOSITION AND

F.N.
15) SEE FEDERALIST NO. 84, PAR. 9.

STRUCTURE OF THE GOVERNMENT, A COMPOUNDED SYSTEM INVOLVING BOTH THE FEDERAL AND STATE GOVERNMENTS AS A CONSTRUCT THAT IS STIPULATED BY THE CONSTITUTION. IT CREATES A PARTICULAR ORGANIZATION OF POWERS IN WHICH THE BILL OF RIGHTS MUST BE PROHIBITIVE ONLY TO THOSE POWERS OF THE CENTRAL AUTHORITY THAT ARE STIPULATED BY THE NATURE OF THE CLAUSE. OTHERWISE, THE CO-MINGLING OF POWERS WOULD BE RENDERED INOPERATIVE; SUCH AS: ARTICLE I, SECTION 8, CLAUSES 15 & 16; WITH ARTICLE II, SECTION 2, CLAUSE 1; SUPPORTED BY THE SECOND ARTICLE OF AMENDMENT[16]. THIS RENDERS FEDERAL LAW ENFORCEMENT UNNECESSARY. (*infra* PAR. 35, 68).

23. THE OBLIGATIONS OF CONGRESS, "TO PROVIDE FOR CALLING FORTH THE [CITIZEN] MILITIA", AND "TO PROVIDE FOR ORGANIZING, ARMING, AND DISCIPLINING, THE MILITIA," ARE SPECIFIED AS POWERS GRANTED TO ACCOMMODATE A MATRIX WITHIN WHICH POWERS ARE LIMITED AND/OR PROHIBITED. FOR EXAMPLE, THE PROHIBITIVE WRIT OF *Habeas Corpus* ACTS TOGETHER WITH

F.N. 16) THE BILL OF RIGHTS IN THIS SET OF PROVISIONS, OBLIGATES CONGRESS TO ACT, ESTABLISHING AND SUSTAINING THE MILITIA FORCES; LIMITING THE EXECUTIVE TO THAT ALTERNATE FORCE; REMOVING A NECESSITY TO DEPEND UPON A STANDING ARMY. IT WORKS WITH THE PROHIBITIVE 2ND AMENDMENT, MAKING REQUISITE AN ARMED CITIZENRY.

OTHER LIMITATIONS AND RESTRICTIONS, SUCH AS THAT STIPULATED BY ARTICLE 1, SECTION 3, CLAUSE 7. THAT "JUDGMENT IN CASES OF IMPEACHMENT SHALL NOT EXTEND FURTHER THAN TO REMOVAL FROM OFFICE," WORKS WITH THE POWER OR JURISDICTIONS OF CRIMINAL PROSECUTIONS, "ACCORDING TO LAW", RESERVED TO THE STATES. THIS ALLOWS FOR A FREE EXPRESSION BY POLITICAL ACTORS AND INDIVIDUAL CITIZENS WITHIN *preëxisting* AND INDEPENDENT CRIMINAL JURISDICTIONS OF STATE COURTS UNDER ARTICLE VI, CLAUSE 2, WITHOUT FEAR OF RETRIBUTION FROM THAT FORCE BEING OPPOSED.[17]

24. THE ABANDONMENT OF THIS SYSTEM BY THE NATIONAL GOVERNMENT, WARRANTS A RETURN TO THE CAVEAT FOUND IN FEDERALIST NO. 84. THE PURPOSE FOR THE ANALYTICAL FRAMEWORK BY HAMILTON, (*supra* AT 2, PAR. 3) DISPLAYS A CONTRAST BETWEEN THE TWO SYSTEMS SEEKING THE SAME END. THE TERM, "ARBITRARY IMPRISONMENTS," AND THE REFERENCE TO "SECRETLY HURRYING HIM TO JAIL," THESE ARE OBJECTS OF HISTORICAL CIRCUMSTANCE,

F.R.E.

[17] THE STANDING ARMY THE FOUNDING GENERATION FEARED, IS THAT FORCE PAID OUT OF THE EXECUTIVE "CIVIL LIST", *e.g.*, THE U.S. JUSTICE DEPT. (*infra* , ; FEDERALIST 69, 26).

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AND WE CANNOT BE SET ASIDE DUE TO A COMPLEXITY OF THE DETAILS. IT IS IN THE HISTORIC DEVELOPMENT WE SEE THE VALUE, WHEN HAMILTON REFERS TO "a more deangerous engine OF ARBITRARY GOVERNMENT," WHERE, IT IS THE END RESULT THAT IS IN QUESTION; THAT IS, A PROCESS OR SYSTEM WHEREBY THE APPEARANCE OF A FAIR TRIAL IS PUT FORTH, EVEN WHILE THE BENEFITS OF A FAIR TRIAL ARE ABSENT.[18] THIS IS A DYNAMIC WHEREIN THE ILLUSION IS ACHIEVED, WHICH SERVES TO SUPPLANT THE ORIGINAL DESIGN; AND THE PEOPLE ARE DEPRIVED OF A BENEFIT ESTABLISHED WITHIN "THE PLAN REPORTED BY THE CONVENTION," AN ADVANTAGE THEY ARE UNAWARE EVER EXISTED, ONE PROTECTED BY THE 8TH AMENDMENT.

25. HAMILTON USED THE COMPARISON AS ARTICULATED BY BLACKSTONE, I.E., THE DENIAL OF A TRIAL OUTRIGHT BY THOSE IN POWER, THAT WOULD "CONVEY THE ALARM OF TYRANNY THROUGHOUT THE WHOLE NATION;" HE THEN SPEAKS ABOUT A HIDDEN ACT BY THE KING, OR GOVERNMENT. THIS ACTION HE SAYS:

F.N.#
18) THESE ARE THE CIRCUMSTANCES CAUSING THE IMPEDIMENT FOR WADE LAY, THE SUBSTANTIVE PART OF THE 8TH AMENDMENT ISSUE PRESENTED IN THIS AMENDED COMPLAINT.

"IS A LESS PUBLIC," AND THEREFORE, "A LESS STRIKING," AND FOR THAT REASON "more dangerous". THE REASON THIS LANGUAGE IS USED IN THE CONTEXT OF: "THE PROPOSED CONSTITUTION, IF ADOPTED, WILL BE THE BILL OF RIGHTS OF THE UNION[19]"; IS BECAUSE, THE DECLARATION, AND SPECIFICATIONS OF "THE PRIVELEGES OF THE CITIZENS IN THE STRUCTURE AND ADMINISTRATION OF THE GOVERNMENT[20]", COMPREHENDS PRECAUTIONS FOR THE PUBLIC SECURITY," REACHING[1] FAR BEYOND THOSE COMMON LAW APHORISMS PROVIDED BY THE U.S. SUPREME COURT, THAT ARE SUBJECT TO THE PENDULUM SWING OF PARTY ATTACHMENT.

26. IN ORDER TO SECURE SUCH FUNDAMENTAL RIGHTS, A PARTICULAR FORM OF GOVERNMENT[21] WAS ESTABLISHED AND GUARANTEED; A SYSTEM WHEREBY THE FOUNDATIONS OF POLITICAL INFLUENCE REST UPON THE ELECTIVE BODIES OF EACH REPUBLIC, ie., THE SEVERAL STATE LEGISLATURES. THE FRAMERS UNDERSTOOD THAT THERE HAS ALWAYS BEEN A CONNECTION BETWEEN

F.N.R

19) SEE FED. #84, PAR. 11. /20) ibid. /21) SEE ARTICLE IV, SECTION 4.

THE PROPERTY INTEREST AND POLITICAL FIDELITY. HAMILTON STATES:

27. "IT WAS A THING HARDLY TO HAVE BEEN EXPECTED THAT IN A POPULAR REVOLUTION THE MINDS OF MEN SHOULD STOP AT THE HAPPY MEAN WHICH MARKS THE SALUTARY BOUNDARY BETWEEN **POWER** AND **PRIVELEGE**, AND COMBINES THE ENERGY OF GOVERNMENT WITH THE SECURITY OF P-RIVATE RIGHTS." [22]

28. HAMILTON RECOGNIZES THE NEXUS THAT OPERATES BETWEEN FIDELITY AND INTEREST, AND HOW IT SO CRITICALLY AFFECTS INDIVIDUAL RIGHTS. IN A RELATED CONTEXT, IN A DERIVATIVE PRACTICE OF POWERS, HAMILTON CHARACTERIZES THAT FOUNDATION AS HAVING A CORRESPONDENT TRUST IN ITS FUNCTIONAL PROJECTION RELATIVE WITH THE PROPERTY INTEREST OF THE STATES. HE DECLARES:

29. "THE SECURITY ESSENTIALLY INTENDED BY THE CONSTITUTION AGAINST CORR-UPTION AND TREACHERY IN THE FORMATION OF TREATIES, IS TO BE SOUGHT FOR IN THE NUMBERS AND CHARACTERS OF THOSE WHO ARE TO MAKE THEM. THE **JOINT AGENCY** OF THE CHIEF MAGISTRATE OF THE UNION, AND OF TWO THIRDS OF THE MEMBERS OF A BODY SELECTED BY THE COLLECTED WISDOM OF THE LEGISLATURES OF THE SEVERAL STATES, IS DESIGNED TO BE THE PLEDGE FOR THE **FIDELITY** OF THE NATIONAL COUNCILS IN THIS PART-

F.N.
22) SEE FEDERALIST NO. 26. THIS FEDERALIST PAPER COVERS THE CHARACTERISTICS OF A STANDING ARMY, UNDER THE HEAD OF A SINGLE INDIVIDUAL, *infra* AT , PARA 7.

"ICULAR....

30. "THE TRUTH IS, THAT IN ALL SUCH CASES IT IS ESSENTIAL TO THE FREEDOM AND TO THE NECESSARY INDEPENDENCE OF THE DELIBERATIONS OF THE BODY, THAT THE MEMBERS OF IT SHOULD BE EXEMPT FROM PUNISHMENTS FOR ACTS DONE IN A COLLECTIVE CAPACITY; AND THE SECURITY TO THE SOCIETY MUST DEPEND ON THE CARE WHICH IS TAKEN TO CONFIDE THE TRUST TO PROPER HANDS, to make it their interest to execute it with fidelity, AND TO MAKE IT AS DIFFICULT AS POSSIBLE FOR THEM TO COMBINE IN ANY INTEREST OPPOSITE TO THAT OF THE PUBLIC GOOD." [23] (EMPHASIS ADDED).

31. THE "PROPER HANDS" REFERRED TO HERE BY HAMILTON ARE THOSE U.S. SENATORS, ACCOUNTABLE TO THE STATE LEGISLATIVE BODIES, WHERE federalism TRULY IS REALIZED BY "THE EXTENT OF ITS [OPERATIONAL] POWERS." [24] THE NATIONAL GOVERNMENT OPERATES UPON INDIVIDUALS, AND FOR THAT REASON THEIR POWERS ARE CIRCUMSCRIBED BY A limited [25] CONSTITUTION. THIS IS ACCOMPLISHED THROUGH MEANS OF A COMPREHENSIVE TENOR OF THE WHOLE INSTRUMENT. IN FEDERALIST NO. 78, PAR. 9, HAMILTON STATES:

32. "THE COMPLETE INDEPENDENCE OF THE COURTS OF JUSTICE IS PECULIARLY ESSENTIAL IN A LIMITED CONSTITUTION. BY A LIMITED CONSTITUTION, I UNDERSTAND ONE WHICH CONTAINS CERTAIN SPECIFIED EXCEPTIONS TO THE LEGIS-

F.N.S
23) SEE FEDERALIST NO. 66, PAR. 12. /24) SEE FEDERALIST NO. 39, PAR. 14. /25) SEE FEDERALIST NO. 78, PAR. 9

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"LATIVE AUTHORITY; SUCH, FOR INSTANCE, AS THAT IT SHALL PASS NO BILLS OF ATTAINDER, NO EX-POST-FACTO LAWS, AND THE LIKE. LIMITATIONS OF THIS KIND CAN BE PRESERVED IN PRACTICE NO OTHER WAY THAN THROUGH THE MEDIUM OF COURTS OF JUSTICE, WHOSE DUTY IT MUST BE TO DECLARE ALL ACTS CONTRARY TO THE MANIFEST TENOR OF THE CONSTITUTION VOID. WITHOUT THIS ALL THE RESERVATIONS OF PARTICULAR RIGHTS OR PRIVILEGES WOULD AMOUNT TO NOTHING."

33. IT DOES NOT REQUIRE A CONSTITUTIONAL SCHOLAR TO RECOGNIZE THE CONNECTION THAT EXIST BETWEEN THE COMPLEX FACTORS OF AN INDEPENDENT JUDICIARY; THE FIDELITY OF U.S. SENATORS; THE LOYALTY OF THE PRESIDENT OF THE UNITED STATES, WHOSE CHORDS ARE BOUND BY THEIR DIRECT AND INDIRECT APPOINTMENT FROM THE STATE LEGISLATURES. FIDELITY AND THE PUBLIC GOOD ARE LOST UNDER A CONSOLIDATION OF WEALTH AND POLITICAL POWER, THAT LOYALTY BEING SOUGHT FOR, LIES WITHIN THE PHRASE - "to make it in their interest"; A PROSPECT THAT CAN ONLY BE ACHIEVED THROUGH MEANS OF TETHERING THE FINANCIAL INTEREST TO EACH REPUBLIC'S GEOGRAPIC AND POLITICAL BORDERS.

34. THE MODES OF ELECTION FOR U.S. SENATORS AND THE PRESIDENT, WHO APPOINT FEDERAL JUDGES, IS A POWER ASSIGNED TO THE PEOPLES LOCAL AND INDEPENDENT

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REPRESENTATIVES. WHAT EMPOWERS THAT BODY OF LOCAL GOVERNMENTS COMPRISING THE UNION, IS THE COMBINED ENERGY: FIRST, OF THEIR POWER OF APPOINTMENT IN THESE TWO NATIONAL REALMS OF POLITICAL AGENCY; AND SECOND, THEIR POWERS OF POLICE OVER THEIR CORPORATIONS THROUGH MEANS OF THEIR CORPORATE CHARTERS, BOTH OF WHICH HAVE BEEN ERADICATED SINCE THE CIVIL WAR.

35. WHEN ALEXANDER HAMILTON SAYS:

36. "A MINUTE DETAIL OF PARTICULAR RIGHTS IS CERTAINLY FAR LESS APPLICABLE TO A CONSTITUTION LIKE THAT UNDER CONSIDERATION, WHICH IS MERELY INTENDED TO REGULATE THE GENERAL POLITICAL INTERESTS OF THE NATION". (SEE FEDERALIST NO. 84, PAR. 9).

37. THIS STATEMENT IS MORE THAN JUST A CONFIRMATION OF THE *federalist* SYSTEM, IT IS THE PROMOTION OF A SPECIFIC COMPOSITION PUT FORTH BY THE CONSTITUTION, WHEREBY THE POWER TO REGULATE OR DIRECT THE ACTIONS OF THE CENTRAL POWER, STEMS FROM AN AGGREGATE SOURCE OR COLLECTIVE ENERGY THAT EMANATES OUT FROM THE SEVERAL STATE

~~18). UNDER THE RULINGS OF THE U.S. SUP. CT., REGARDING TO SUBSTANTIVE DUE PROCESS.~~ (STRICKEN)

LEGISLATURES. THE CONTRAST IS MADE SAYING: "BILLS OF RIGHTS ARE, IN THEIR ORIGIN, STIPULATIONS BETWEEN KINGS AND THEIR SUBJECTS,"[26] MAKING THE CONNECTION BETWEEN POLITICAL POWER AND FINANCIAL INTEREST, OR TO SAY: "THE SALUTARY BOUNDARY BETWEEN POWER AND PRIVELEGE"[27]. HAMILTON GOES ON TO ELABORATE, SAYING:

38. "SUCH WAS **MAGNA CHARTA**, OBTAINED BY THE BARONS, SWORD IN HAND, FROM KING JOHN. SUCH WERE CONCEDING CONFIRMATIONS OF THAT CHARTER BY SUCCEEDING PRINCES." (SEE FEDERALIST NO. 84, PAR. 8.)

39. WHAT WE SEE PRESENTLY IS A SIMILAR PROGRESSION THROUGH THE TRANSCENDENCE OF DOCTRINE, OUR CONSTITUTION MUTATES FROM ONE SUPREME COURT TO ANOTHER. THE UNIQUE QUALITIES OF THE PROHIBITIVE CLAUSES, IN THEIR CORRELATION TO THE VARIOUS FORMS OF POLITICAL ASSOCIATION, SUCH AS: ARTICLE VI, CLAUSE 2, AND ITS NATURAL COUNTER-PART THAT IS FOUND IN THE PROHIBITIVE WRIT OF *habeas-corpus*, BEING A CONSTRUCT OF NECESSITY, REQUISITE TO PERFECT THE ARTICLE 1, SECTION 3, CLAUSE 7

F.N.
26) SEE FED.# 84, PAR. 8. /27) SEE FED.# 26, PAR. 1.

LIMITATION TO "REMOVAL OF OFFICE," IS MORPHED BY WAY OF CONSTRUCTIVE POWERS. THIS IS ADVANCED IN ACCORDANCE TO THE PERCEPTION OF THE TIMES, AS FRAMED BY THE PREVAILING FACTION THROUGH VARIOUS FORMS OF PROPAGANDA.[28]

40. DOCTRINES ARE PUT FORTH SUBSEQUENT TO THAT CONDITIONING, WITH WELL TIMED ADVANCES BY THOSE IN POWER TO ACHIEVE SPECIFIC GOALS SUITABLE TO THEIR ENDS; SUCH AS: "NO STATE SHALL MAKE OR ENFORCE ANY LAW", SERVING THE ERRONEOUS SUPPOSITION OF PROVIDING PROTECTION AGAINST THE CONSTITUTIONAL ENTITY DESIGNED TO BE THE WATCHMAN ON THE WALL, TO BE A CHECK AGAINST USURPATIONS BY THE CENTRAL AUTHORITY. THAT IS THE ESSENTIAL FACTOR PRODUCING THE PROHIBITIVE WRIT OF *habeas-corpus* PLACED IN THE NINTH SECTION OF THE FIRST ARTICLE.

28) SUCH AS THE WORKS OF HOLLYWOOD PRODUCER **DICK WOLF**, WHERE GOVERNMENT AGENCIES AND AGENTS ARE PORTRAYED AS EFFICIENT, COMPETENT, AND BENEVOLENT, WITHIN THEIR OWN SPHERE OF DISCRETION, ARE THAT IS CONTRARY TO LAW, AND NOT IN THE PUBLIC INTEREST, RESULTING IN SUCH TRAGEDY AS THAT SURROUNDING THE DEATH...

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41. THE PEOPLE OF THE UNITED STATES MADE REQUISITE A SYSTEM, WHERE: THE BARON, "SWORD IN HAND," IS CONSTITUTIONALLY ENDOWED AS A QUALITY ENTRUSTED TO THE STATE GOVERNMENTS. THE FIDELITY SPOKEN OF EARLIER (SUPRA AT 18, PAR. 30) TO SUSTAIN THAT PUBLIC TRUST, IS ROOTED AND GROUNDED IN THE PROPERTY INTEREST WHERE THE CONSTITUTION LEAVES IT. JOSEPH STORY IN *Terret V. Taylor*, 9 CRANCH 43 (1815) DECLARES: "AT THE REVOLUTION, ALL THE PUBLIC PROPERTY... UNDER THE SANCTION OF THE LAWS, BECAME THE PROPERTY OF THE STATE." * THE CORPORATION, AND ALL IT PRODUCES IS SUBJUGATED TO THAT POWER. THIS IS FOUND IN THE RESERVED POWERS OF THE TENTH ARTICLE OF AMENDMENT, IT IS A RUDIMENTARY PRINCIPLE THAT IS IMMUTABLE, AND SUPPORTED BY ARTICLE IV, SECTION 3, CLAUSE 2, WHICH DISAVOWS THE CLAIMS OF THE U.S. SUPREME COURT WITH THE FOLLOWING: "NOTHING IN THIS CONSTITUTION SHALL BE SO CONSTRUED AS TO PREJUDICE ANY CLAIMS,... OF ANY PARTICULAR STATE."

F.N. *
28 - OF GEORGE FLOYD IN MINNEAPOLIS. (*) *infra*, PG. 54, PAR. 122.

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42. JAMES MADISON IN FEDERALIST NO. 39-51 EXPLAINS THIS MEANING. IN FEDERALIST NO. 39, PAR. 3 HE ASK: "WHAT THAN ARE THE DISTINCTIVE CHARACTERS OF THE REPUBLICAN FORM?" THIS OF COURSE IS PREDICATED ON THE OBLIGATORY COMMITMENT GIVEN TO THE CENTRAL AUTHORITY IN ARTICLE IV, SECTION 4, Cl., "THE UNITED STATES SHALL GUARANTEE TO EVERY STATE IN THIS UNION A REPUBLICAN FORM OF GOVERNMENT"; MADISON CONCLUDES THAT THIS PROMISE IS FAIR REACHING, A CONCEPT WORTHY OF INTERPRETATION BY FEDERAL COURTS.

IN FEDERALIST NO. 40, PAR. 18, IN A RELATED CONTEXT, THE SUBSTANCE OF THE QUESTION IS ANSWERED, MADISON STATES:

43. "THE third POINT TO BE INQUIRED INTO IS, HOW FAR CONSIDERATIONS OF DUTY ARISING OUT OF THE CASE ITSELF COULD HAVE SUPPLIED ANY DEFECT OF REGULAR AUTHORITY."

44. IN OTHER WORDS, WHAT IS PROMISED TO THE STATES IS EXEMPLIFIED BY THE DELEGATES AT THE FEDERAL CONVENTION, IT IS THE RIGHT AND ABILITY TO SUSTAIN THEIR SOVEREIGN STATION, THROUGH MEANS OF RESISTING ASSUMPTIONS OF POWER.

WHAT MADISON PROMOTES HERE IN FEDERALIST NO. 40, PAR. 18, HE EXPOUNDS UPON TO JEFFERSON ON DECEMBER 29, 1798, WITH REGARD TO THE ALIEN AND SEDITION ACTS. (*infra* AT 30, PAR. 78). MADISON DISTINGUISHES BETWEEN THE SOVEREIGN POLITICAL ENTITY CALLED THE *State*, AND THAT OF A LEGISLATIVE BODY. THE SOVEREIGN IS DEFINED AS: "THE PEOPLE COMPOSING THOSE POLITICAL SOCIETIES," AS BEING THE "HIGHEST SOVEREIGN CAPACITY" THE STATE CAN ATTAIN. IT IS IN THIS CAPACITY THE TENTH ARTICLE OF AMENDMENT RECOGNIZES THE CONSTITUTIONAL RIGHT AND POWER OF REBELLION*; AND IT IS TO THAT AUTHORITY MADISON REMINDS JEFFERSON, A "DUTY ARISES OUT OF THE CASE ITSELF", AND THIS DUTY WHICH IS THE ONLY MEANS THAT "COULD HAVE SUPPLIED ANY DEFECT OF REGULAR AUTHORITY", IS MADE PROVISIONAL IN ARTICLE VI, CLAUSE 2, WHICH READS: (* SEE PAGE , CONCERNING DEFINITION OF REBELLION).

45. "THIS CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF; AND ALL TREATIES MADE, OR WHICH SHALL BE MADE, UNDER THE AUTHORITY OF THE UNITED STATES, SHALL BE THE SUPREME LAW OF THE LAND; AND THE JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, ANYTHING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING."

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The Federalist No. 33, Par. 6

REBELLION AS DEFINED BY HAMILTON

46. "BUT IT MAY BE AGAIN ASKED, WHO IS TO JUDGE OF THE *necessity* AND *propriety* OF THE LAWS TO BE PASSED FOR EXECUTING THE POWERS OF THE UNION? I ANSWER FIRST, THAT THIS QUESTION ARISES AS WELL AND AS FULLY UPON THE SIMPLE GRANT OF THOSE POWERS AS UPON THE DECLARATORY CLAUSE; AND I ANSWER IN THE SECOND PLACE, THAT THE NATIONAL GOVERNMENT, LIKE EVERY OTHER [GOVERNMENT OF THE SEVERAL STATES,] MUST JUDGE, IN THE FIRST INSTANCE, OF THE PROPER EXERCISE OF ITS POWERS, AND ITS CONSTITUENTS IN THE LAST. IF THE FEDERAL GOVERNMENT SHOULD OVERPASS THE JUST BOUNDS OF ITS AUTHORITY AND MAKE A TYRANNICAL USE OF ITS POWERS, THE PEOPLE, WHOSE CREATURE IT IS, MUST APPEAL TO THE STANDARD THEY HAVE FORMED, AND TAKE SUCH MEASURES TO REDRESS THE INJURY DONE TO THE CONSTITUTION AS THE EXIGENCY MAY SUGGEST AND PRUDENCE JUSTIFY." (EMPHASIS ADDED).

47. HAMILTON ASK THE QUESTION WHICH ENCOMPASSES THE ENTIRE SPECTRUM OF GOVERNMENTAL "ABILITY OR FACULTY OF DOING A THING, ... [*i.e.*,] THE POWER OF EMPLOYING THE *means* NECESSARY TO ITS EXECUTION"[29]. THIS PROCESS, OR OPERATIONAL VARIATIONS OF POWER, UNDER THE CONSTITUTION, IN THE UNITED STATES, IS A HYBRID ANIMAL. IT IS A MIXED COMPOSITION DELINEATED EVEN WITHIN THE ENUMERATIONS OF POWERS ITEMIZED IN ARTICLE I, SECTION 8. THE STATE GOVERNMENTS SHARE IN THIS FUNCTION THROUGH A PECULIAR DEMOCRATIC MEANS, ONE THAT HAMILTON STATES IS A STANDARD THEY HAVE FORMED, IT IS PROVISIONAL; AND

29 THE FEDERALIST NO. 33, PAR. 3.

IT IS PRESENTLY KINDLED TO AN INFLAMMATORY HEAT OF SEDITIOUS FERVOR HAVING NO DIRECTION TO ASSIST ITS PASSION AND PURPOSE. HAMILTON REVEALS THE UTILITY, OR MEANS THAT IS GIVEN BY THE CONSTITUTION FOR A FUNCTIONAL REMEDY THAT TAMES THE LONE WOLF THAT PRESENTLY RUNS IN A VERY LARGE PACK ACROSS THE NATION, WITH THE SLOGAN "I CAN'T BREATHE"!

HAMILTON DECLARES IN THE SECOND PORTION OF FEDERALIST 33, PAR. 6, THE FOLLOWING:

48. "THE PROPRIETY OF A LAW IN A CONSTITUTIONAL LIGHT, MUST ALWAYS BE DETERMINED BY THE NATURE OF THE POWERS UPON WHICH IT IS FOUNDED. SUPPOSE, BY SOME FORCED CONSTRUCTIONS OF ITS AUTHORITY ..., THE FEDERAL LEGISLATURE SHOULD ATTEMPT TO VARY THE LAW OF DESCENT IN ANY STATE, WOULD IT NOT BE EVIDENT THAT, IN MAKING SUCH AN ATTEMPT, IT HAD EXCEEDED ITS JURISDICTION, AND INFRINGED UPON THAT OF THE STATE? SUPPOSE, AGAIN, THAT UPON THE PRETENCE OF AN INTERFERENCE WITH ITS REVENUES, IT SHOULD UNDERTAKE TO ABROGATE A LAND-TAX IMPOSED BY THE AUTHORITY OF A STATE; WOULD IT NOT BE EQUALLY EVIDENT THAT THIS WAS AN INVASION OF THAT CONCURRENT JURISDICTION IN RESPECT TO THIS SPECIES OF TAX; WHICH THE CONSTITUTION PLAINLY SUPPOSES TO EXIST IN THE STATE GOVERNMENTS?

49. HERE HAMILTON USES TWO EXAMPLES THAT MAY VARY IN THE COURSE OF

TWO CENTURIES, BUT THE UNDERLYING PRINCIPLE REMAINS. THE MODEL DISPLAYS WHAT IS METAPHORICALLY DESCRIBED AS SOMETHING THAT IS REVEALED THROUGH ILLUMINATION, I.E., AN UNDENIABLE AND RATIONAL CONCEPT, SUCH AS: THERE ARE LAWS THAT ARE PROPER, AND THERE IS A STANDARD AND NEEDS TO REACH A CONSENSUS. HAMILTON POINTS TO ARTICLE VI, CLAUSE 2 AS THE INITIAL MODE OF PROCEEDING, SAYING:

50. "BUT IT IS SAID THAT THE LAWS OF THE UNION ARE TO BE THE *Supreme* LAW OF THE LAND. WHAT INFERENCE CAN BE DRAWN FROM THIS, OR WHAT WOULD THEY AMOUNT TO, IF THEY WERE NOT TO BE SUPREME? IT IS EVIDENT THEY WOULD AMOUNT TO NOTHING. A **LAW**, BY THE VERY MEANING OF THE TERM, INCLUDES SUPREMACY. IT IS A RULE, WHICH THOSE TO WHOM IT IS PRESCRIBED ARE BOUND TO OBSERVE. THIS RESULTS FROM EVERY POLITICAL ASSOCIATION. IF INDIVIDUALS ENTER INTO A STATE OF SOCIETY, THE LAWS OF THAT SOCIETY MUST BE THE SUPREME REGULATOR OF THEIR CONDUCT. IF A NUMBER OF POLITICAL SOCIETIES ENTER INTO A LARGER POLITICAL SOCIETY, THE LAWS WHICH THE LATTER MAY ENACT, PURSUANT TO THE POWERS INTRUSTED TO IT BY ITS CONSTITUTION, MUST NECESSARILY BE SUPREME OVER THOSE SOCIETIES, AND THE INDIVIDUALS OF WHOM THEY ARE COMPOSED. IT WOULD OTHERWISE BE A MERE TREATY, DEPENDENT ON THE GOOD FAITH OF THE PARTIES, AND NOT A GOVERNMENT; WHICH IS ONLY A-

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"NOTHER WORD FOR POLITICAL POWER AND SUPREMACY. BUT IT WILL NOT FOLLOW FROM THIS DOCTRINE, THAT ACTS OF THE LARGER SOCIETY, WHICH ARE *not pursuant* TO ITS CONSTITUTIONAL POWERS, BUT WHICH ARE INVASIONS OF THE RESIDUARY AUTHORITIES OF THE SMALLER SOCIETIES, WILL BECOME THE SUPREME LAW OF THE LAND. THESE WILL BE MERELY ACTS OF USURPATION, AND WILL DESERVE TO BE TREATED AS SUCH."

51. IT IS OBVIOUS THIS ROLE OF DISCRETION IS A POWER, THE NATURE OF WHICH IS EXPRESSLY DELEGATED, NOT RESERVED, BUT GIVEN TO STATE JUDGES FOR A SPECIFIC PURPOSE. THEREFORE, REBELLION IN THIS CONTEXT IS SYNONYMOUS WITH JEFFERSON'S COMPREHENSIVE OBSERVATION APPLYING TO ALL MORAL CITIZENS OF THE UNITED STATES, HE SAYS: "REBELLION TO TYRANTS, IS OBEDIENCE TO GOD." * ADDITIONALLY HE PROMOTES TO JAMES MADISON IN A LETTER FROM PARIS DATED *December 20, 1787*:

52. "AND SAY, FINALLY, WHETHER PEACE IS BEST PRESERVED BY GIVING ENERGY TO THE GOVERNMENT, OR INFORMATION TO THE PEOPLE. THIS LAST IS THE MOST CERTAIN, AND THE MOST LEGITIMATE ENGINE OF GOVERNMENT. EDUCATE AND INFORM THE WHOLE MASS OF THE PEOPLE. ENABLE THEM TO SEE THAT IT IS IN THEIR INTEREST TO PRESERVE PEACE AND ORDER, AND THEY WILL PRESERVE THEM. AND IT REQUIRES NO VERY HIGH DE-

F.N. * THE FOUNDING GENERATION UNDERSTOOD WHAT AMERICANS TODAY ARE CONDITIONED TO DISREGARD, THAT THE GOVERNMENT OF THE U.S., AND/OR ITS LEADING CORE, MAY BECOME TYRANNICAL.

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AGREE OF EDUCATION TO CONVINCE THEM OF THIS. THEY ARE THE ONLY SURE RELIANCE FOR THE PRESERVATION OF OUR LIBERTY."

53 THEREFORE, EDUCATION, OR INFORMATION MUST BE DERIVED FROM AN UNBIASED SOURCE. HOWEVER, IN GOVERNMENT, BIAS IS A COMMON CONTAGION. FOR THAT REASON, INFORMATION MUST ARISE FROM A VARIATION OF SOURCES. YOU CAN SEE THIS CONCEPT IN ITS EARLY DEVELOPMENT, PRIOR TO THE FEDERAL CONVENTION, FROM PARIS, January 16, 1787, JEFFERSON WRITES TO EDWARD CARRINGTON, HE SAYS:

54. "THE PEOPLE ARE THE ONLY CENSORS OF THEIR GOVERNORS; AND EVEN THEIR ERRORS WILL TEND TO KEEP THESE TO THE TRUE PRINCIPLES OF THEIR INSTITUTION. TO PUNISH THESE ERRORS TO SEVERELY WOULD BE TO SUPPRESS THE ONLY SAFEGUARD OF THE PUBLIC LIBERTY. THE WAY TO PREVENT THESE IRREGULAR INTERPOSITIONS OF THE PEOPLE, IS TO GIVE THEM FULL INFORMATION OF THEIR AFFAIRS THROUGH THE CHANNEL OF THE PUBLIC PAPERS, AND TO CONTRIVE THAT THOSE PAPERS SHOULD PENETRATE THE WHOLE MASS OF THE PEOPLE."

55 THE FRAMERS ACCOMPLISHED THIS IN ARTICLE IV, SECTIONS 1 & 2 OF THE U.S. CONSTITUTION. THAT "CONGRESS MAY BY GENERAL LAWS PRESCRIBE THE MANNER

F.R.E. 30) IT IS IMPORTANT TO NOTE: THAT PROPAGANDA, OR MISINFORMATION IS ANTITHETICAL TO TRUTH, AND DISTORTS THE FACTS, AND IS DESTRUCTIVE TO THE CAUSE OF PEACE AND LIBERTY.

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"IN WHICH SUCH ACTS, RECORDS AND [JUDICIAL] PROCEEDINGS [OF THE STATES] SHALL BE PROVED, AND THE EFFECT THEREOF." WHAT A POWERFUL, DIVERSE SOURCE PROVIDED TO THE NATIONAL LEGISLATURE, TO COMPOSE A FEDERALIST COMMON LAW. A REGULATORY MEANS TO ACT AS A PROACTIVE COUNTERPOISE TO THE PROHIBITIVE BILL OF RIGHTS, THE ABILITY TO PROVIDE TO THE COURTS OF THE UNITED STATES A SUMMATION OF THE AGGREGATE WHOLE, OF THE PEOPLE'S OPINIONS. A MEANS JUDICIALLY, TO "PARDON AND PACIFY THEM", TO "SET THEM RIGHT AS TO FACTS"[31].

56. IT IS CLEAR, THE DEFINITION OF REBELLION IS SUBJECTIVE[32], AND IT IS FOR THAT REASON, A DISCRETION LEFT TO THE STATES AS PARTIES TO A CONSTITUTIONAL AGREEMENT. SINCE IT IS A DUTY, "TO ARREST THE PROGRESS OF THE EVIL"[33], i.e., THE USURPATIONS OF THE CENTRAL AUTHORITY, THE STATES MUST POSSESS THE MEANS. THE DELEGATED POWER OF ARTICLE VI, CLAUSE 2, GIVEN TO STATE JUDGES; AND THE RESIDUAL POWERS OF THE 10TH ARTICLE OF AMENDMENT, IS THE CONSTITUTIONAL MEANS. IT IS THROUGH THESE TWO CLAUSES, THIS POWER OF DISCRETION IS MANIFESTED AND PRESERVED!

F.N. 31) SEE THOMAS JEFFERSON TO WILLIAM STEPHENS SMITH, NOVEMBER 13, 1787. 32) infra AT , SEE ALSO THE DECLARATION OF INDEPENDENCE.

F.N. 33) SEE MADISON'S REPORT ON THE ALIEN AND SEDITION ACTS.

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57. HAMILTON ARTICULATES THIS PROPOSITION IN FEDERALIST NO. 27, PAR. 6, AN EARLIER PROPOSAL INTRODUCED BY MADISON AT CONVENTION, JULY 17, 1787, WHICH BECAME WHAT IS KNOWN AS: THE "SUPREMACY CLAUSE". FIRST, MADISON STATES:

58. "AS TO SENDING ALL LAWS UP TO THE NAT'L LEGISL: THIS MIGHT BE RENDERED UNNECESSARY BY SOME EMENATION OF THE POWER INTO THE STATES, SO FAR AT LEAST, AS TO GIVE A TEMPORARY EFFECT TO LAWS OF IMMEDIATE NECESSITY."

59. FOLLOWING MADISON'S LEAD HAMILTON WRITES:

60. "THE PLAN REPORTED BY THE CONVENTION BY EXTENDING THE AUTHORITY OF THE FEDERAL HEAD TO THE INDIVIDUAL CITIZENS OF THE SEVERAL STATES, WILL ENABLE THE GOVERNMENT TO EMPLOY THE ORDINARY MAGISTRACY OF EACH, IN THE EXECUTION OF ITS LAWS. (EMPHASIS ADDED).

61. THERE EXIST A PHILOSOPHICAL DESIGNATION HERE THAT GATHERS TOGETHER BOTH ENDS OF THE POLITICAL SPECTRUM, I.E., THE "COERCION OF LAWS" AND "COERCION OF ARMS" DYNAMIC; THAT IS FOR THE UNITED STATES, A SHARED RESPONSIBILITY APPORTIONED AMONG SOVEREIGNS, IN ACCORDANCE TO AN ABUNDANCE OF CAUTION.

62. FOR THE FOUNDING GENERATION, WHOSE ACTORS OCCUPIED THAT SINGLE STAGE OF DESCENT, RESTLESSNESS BECAME AN UNFOLDING PROCESS OF REVOLUTION.

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FOR THAT REASON, THE AUTHORS OF REBELLION CHOSE TO REWRITE THE SCRIPT. THEY RESTRUCTURED THE PLOT, CHANGING THE CHARACTERS AND REORGANIZING EACH SCENE; THE FUNDAMENTAL DIFFERENCE OF WHICH, IS DEFINED BY A SUPREME LAW AND SUBSEQUENT ACTION, BEING DEPENDENT IN ITS EXECUTION TO A SUBORDINATE WILL THAT IS COMPLIANT IN ACCORDANCE TO REASON, AND NOT DRIVEN TO SUBJECTION BY FORCE.

63. HAMILTON'S INTERPRETATION COMPORTS PERFECTLY WITH JEFFERSONS IDEALS OF ACTUAL ARMED RESISTANCE AS A LAST RESORT. IT IS THE PROCESS OF INITIAL COERCION WITHIN THE REALM OF LAW AND REASON, HAMILTON CONTINUES IN FEDERALIST NO. 27, PAR. 6, WITH REGARD TO THE SUPREMACY CLAUSE, SAYING:

64. "IT IS EASY TO PERCEIVE THAT THIS WILL TEND TO DESTROY, IN THE COMMON APPREHENSION, ALL DISTINCTION BETWEEN THE SOURCES FROM WHICH THEY MIGHT PROCEED; AND WILL GIVE THE FEDERAL GOVERNMENT THE SAME ADVANTAGE FOR SECURING A DUE OBEDIENCE TO ITS AUTHORITY WHICH IS ENJOYED BY THE GOVERNMENT OF EACH STATE, IN ADDITION TO THE INFLUENCE OF PUBLIC OPINION WHICH WILL RESULT FROM THE IMPORTANT CONSIDERATION OF ITS HAVING POWER TO CALL TO ITS

END

* SEE ARTICLE VI, CLAUSE 2. THE DELEGATED POWER OF INDEPENDENT DISCRETION GIVEN TO STATE JUDGES IN AN ORIGINAL CAUSE.

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65. "ASSISTANCE AND SUPPORT THE RESOURCES OF THE WHOLE UNION."

THIS PROVIDES TO THE CENTRAL AUTHORITY, THROUGH ART. I, SECT. 8, CLAUSE 15; AND ART. II, SECT. 2, CLAUSE 1, TO "CALL] FORTH THE MILITIA", "INTO ACTUAL SERVICE OF THE UNITED STATES;" A POWER THAT IS SUPREME, "TO EXECUTE THE LAWS OF THE UNION, [AND] SUPPRESS INSURRECTIONS," THROUGH MEANS OF A SUBORDINATE FORCE. THEREFORE PRESERVING THE PROSPECT AS PROMOTED BY THE FOUNDING GENERATION, AS RECORDED BY HAMILTON, HE WRITES:

66. "POWER BEING ALMOST ALWAYS THE RIVAL OF POWER, THE GENERAL GOVERNMENT WILL AT ALL TIMES STAND READY TO CHECK THE USURPATIONS OF THE STATE GOVERNMENTS, AND THESE WILL HAVE THE SAME DISPOSITION TOWARDS THE GENERAL GOVERNMENT. THE PEOPLE, BY THROWING THEMSELVES INTO EITHER SCALE, WILL INFALLIBLY MAKE IT PREPONDERATE. IF THEIR RIGHTS ARE INVADED BY EITHER, THEY CAN MAKE USE OF THE OTHER AS THE INSTRUMENT OF REDRESS."[34] AND THIS IS A CONSTRUCT MADE POSSIBLE BY THE STANDARDS WE HAVE FORMED WITHIN THE CONSTITUTION, AND IT BEGINS WITH

F.N.#
34) SEE FEDERALIST NO. 28, PAR. 7.

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ARTICLE VI, CLAUSE 2. HAMILTON CONFIRMS THIS IN FEDERALIST NO. 27, HE SAYS:

67. "IT MERITS PARTICULAR ATTENTION IN THIS PLACE, THAT THE LAWS OF THE CONFEDERACY, AS TO THE *enumerated* AND *legitimate* OBJECTS OF ITS JURISDICTION, WILL BECOME THE **SUPREME LAW** OF THE LAND; TO THE OBSERVANCE OF WHICH ALL OFFICERS, LEGISLATIVE, EXECUTIVE, AND JUDICIAL, IN EACH STATE, WILL BE BOUND BY THE SANCTITY OF AN OATH. THUS THE LEGISLATURES, COURTS, AND MAGISTRATES, OF THE RESPECTIVE MEMBERS, WILL BE INCORPORATED INTO THE OPERATIONS OF THE NATIONAL GOVERNMENT *as far as its just and constitutional authority extends*; AND WILL BE RENDERED AUXILIARY TO THE ENFORCEMENT OF ITS LAWS."

68. THE FRAMERS INITIATE THE CONCEPT OF INCORPORATION LONG BEFORE THE TAFT COURT'S RULING IN *Gitlow V. New York*, 268 U.S. 652 (1925). HOWEVER, THE INCORPORATION OF STATE PERFORMANCE AS A MEANS OF FEDERAL EXECUTION OF THE NATIONAL WILL, IS IN HARMONY WITH THE REJECTION OF A STANDING ARMY, BY WHICH THE FOUNDING GENERATION MEANT, THAT STANDING FORCE IN THE CONTROL OF THE PRESIDENT, PAID OUT OF HIS CIVIL LIST, SUCH AS THAT WHICH PRESENTLY EXIST WITHIN THE JUSTICE DEPARTMENT.

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FOOTNOTE
35) SEE FEDERALIST NO. 26.

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69. WE FIND IN THE FINAL ANALYSIS A GREATER CLARIFICATION BY MADISON IN HIS REPORT ON THE ALIEN AND SEDITION ACTS, HE SUBMITS TO ALL OF THE STATES ON BEHALF OF THE VIRGINIA ASSEMBLY, THE FOLLOWING:

70. "THE COMMITTEE SATISFY THEMSELVES HERE WITH BRIEFLY REMARKING, THAT, IN ALL THE CONTEMPORARY DISCUSSIONS AND COMMENTS WHICH THE CONSTITUTION UNDERWENT, IT WAS CONSTANTLY JUSTIFIED AND RECOMMENDED ON THE GROUND THAT THE POWERS NOT GIVEN TO THE GOVERNMENT WERE WITHHELD FROM IT; AND THAT, IF ANY DOUBT COULD HAVE EXISTED ON THIS SUBJECT, UNDER THE ORIGINAL TEXT OF THE CONSTITUTION, IT IS REMOVED, AS FAR AS WORDS COULD REMOVE IT, BY THE 12TH [(WHAT BECAME THE 10TH)] AMENDMENT, NOW A PART OF THE CONSTITUTION, WHICH EXPRESSLY DECLARES, 'THAT THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE." (EMPHASIS ADDED).

71. IN THE SAME REPORT MADISON WRITES FOR THE STATE OF VIRGINIA, CALLING ON THE STATES, NOT ONLY TO CONCUR IN DECLARING THESE USURPATIONS UNCONSTITUTIONAL, BUT ALSO IN DECLARING:

72. "THAT THE NECESSARY AND PROPER MEASURES WILL BE TAKEN BY EACH FOR CO-OPERATING WITH THIS STATE IN MAINTAINING UNIMPAIRED THE AUTHORITIES, RIGHTS, AND LIBERTIES RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE."

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73. "NOWHERE IN AMERICAN POLITICAL LITERATURE," WRITE ADRIENNE KOCH AND HARRY AMMON, "DOES THERE EXIST A MORE CAREFUL, PRECISE AND MATURE REITERATION OF THE PRINCIPLES OF REPUBLICAN GOVERNMENT" THAN IN MADISON'S REPORT ON STATE RESPONSES TO THE VIRGINIA RESOLUTIONS. "NOWHERE IS IT CLEARER THAT THE INTERMEDIATE EXISTENCE OF STATE GOVERNMENTS BETWEEN THE PEOPLE AND THE 'GENERAL GOVERNMENT,'" WAS INDESPENSABLE, AS MADISON CONCEIVED IT, TO THE PRESERVATION OF THE LARGE REPUBLIC.[36]

74. A CRITERION IS SET THAT IS SHOWN TO BE PROVISIONAL, MADISON EXPLAINS, THAT IF THE BREACH OF THE CONSTITUTIONAL COMPACT IS WILFUL AND MATERIAL, AN APPLICATION OF THE RULE OF INTERPOSITION BY THE STATES AS PARTIES TO THE COMPACT IS JUSTIFIED, BUT IT MUST BE CONSIDERED AS FOLLOWS:

75. "THAT THE INTERPOSITION OF THE PARTIES, IN THEIR SOVEREIGN CAPACITY, CAN BE CALLED FOR BY OCCASIONS ONLY DEEPLY AND ESSENTIALLY AFFECTING THE VITAL PRINCIPLES OF THEIR POLITICAL SYSTEM."

FINK
36) KOCH AND AMMON, "VIRGINIA AND KENTUCKY RESOLUTIONS," 173, AS CITED BY LANCE BANNING, "THE SACRED FIRE OF LIBERTY," 390.

76. HOWEVER, WE FIND OURSELVES FAR BEYOND THAT STANDARD UPON WHICH OUR JUDGMENT MUST BE BASED. THE AMERICAN PEOPLE HAVE ALLOWED THIS BREACH TO GO ON FOR SO LONG, TREASON IS DISGUISED UNDER THE MASK OF PARTY ATTACHMENT. YET BEFORE SUCH A COMPLICATED CONDITION CAN BE COMPREHENDED, THE FOUNDATION UPON WHICH WE STAND AS A NATION MUST BE UNDERSTOOD. AMERICANS ARE SO CONCERNED WITH ECONOMIC STABILITY, BUT IN THE MIDST OF POLITICAL INFIDELITY WE SEE THAT THE NATIONAL GOVERNMENT ALLOWED OUR FINANCIAL STRENGTH TO ABANDON THE HOMELAND, GATHERING NATURALLY THE AFFECTION OF NON-DOMESTIC INTEREST.[37]

77. IT IS ESSENTIAL, AND CLEARLY ESTABLISHED BY THE CONSTITUTION, THAT "IT IS IMPOSSIBLE FOR THE PEOPLE SPONTANEOUSLY AND UNIVERSALLY TO MOVE IN CONCERT TOWARDS THEIR OBJECT;" AND FOR THAT REASON, IT IS CRITICAL THE STATES RETAIN THEIR POLITICAL AND ECONOMIC EQUILIBRIUM, I.E., TO MAINTAIN THE COMPOSITION AND STRUCTURE, TO BALANCE THE SCALES

F.N.#

37) IN THE 1970's THE U.S. SUP. CT. BEGAN TO ALLOW CORPORATIONS TO ESTABLISH SUBSIDIARIES AND CONGLOMERATES OFFSHORE, COMPROMISING THEIR FIDELITY TO FOREIGN INTEREST.

BY WAY OF A FOUNDATIONAL SECURITY WITH RESPECT TO PROPERTY. THE PRIMARY CONCERN FOR THE FOUNDING GENERATION, AS IT CONCERNS REBELLION, IS THE BREACH OF LOYALTY, OR FIDELITY WHICH LEADS TO TREASON.

78. THIS INFIDELITY IS INVARIABLY THE OFFSPRING OF CONSOLIDATED WEALTH COMBINED WITH POLITICAL POWER. IT IS THE NATURAL INCLINATION OF RICH INDIVIDUALS TO GAIN INFLUENCE OVER POLICIES THAT AFFECT THEIR PROFITS. THIS PASSION IS, AS ARTICULATED BY RELIGIOUS FIGURES AND PHILOSOPHERS, "THE ROOT OF ALL EVIL". THIS EVIL DISPLAYS ITSELF WHEN YOU SEE A PATTERN OF BEHAVIOUR IN POLITICAL LEADERS AND JUDGES, TRENDING TOWARDS A PARTICULAR LINE OF REASONING THAT CHANNELS POWER INTO A COMPACT ASSOCIATION OF INDIVIDUALS THAT ARE NOT SUBJECT TO ACCOUNTABILITY.*

79. THESE INDIVIDUALS WILL BE GIVEN THE APPEARANCE OF LEGITIMACY THROUGH MEANS OF EXALTATION BY THE RULING CLASS. OVER TIME, THIS MINOR PARTY IN POSSESSION, OR REPRESENTING THE INTEREST OF WEALTH*, WILL SYSTEMATICALLY

* THIS ENTITY IN THE AMERICAN EXPERIENCE IS THE U.S. SUPREME COURT, AS IT WAS IN GREAT BRITAIN IN THE HOUSE OF LORDS. (SEE THE DECLARATION OF INDEPENDENCE... →

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DISMANTLE THE INSTITUTIONS OF UNITY AND TRANQUILITY, THEY WILL SECRETLY, i.e., WITH SUBTILTY, UNITE THE FEW WITH "SUPERIORITY OF PECUNIARY RESOURCES," AND THROUGH THIS "MORE COMPACT AND ADVANTAGEOUS POSITION TURN THE SCALE" OF GOVERNMENTAL POWER TO THEIR SIDE, WHILE SIMULTANEOUSLY TURNING THE PEOPLE AGAINST ONE ANOTHER.

80. HISTORY TEACHES US THIS UNITY OF THE FEW IS BEST ACCOMPLISHED BY A DELIBERATE DIVISION OF THE WHOLE. THE CONSTITUTION PROVIDES FOR A UNION OF INDEPENDENT STATES, WHERE INDIVIDUALS MAY SEGREGATE IN DIVERSE COMMUNITIES LIVING IN HARMONY WHILE DIFFERING IN THEIR OPINIONS AND CONVICTION. THIS "DOMESTIC TRANQUILITY IS SECURED THROUGH A FRAGMENTATION OF WEALTH AND POLITICAL POWER AS DESIGNED BY THE FOUNDING GENERATION. WHAT WE SEE NOW, IS A SUCCESSFUL REBELLION BY A POLITICAL ELITE, AND THIS INCLUDES THE SUPREME COURT. THIS IS DISCUSSED JULY 18, 1787 AT CONVENTION:

84. "MR. GHORUM THOUGHT IT STRANGE THAT A REBELLION SHOULD BE KNOWN TO EXIST IN THE EMPIRE, AND THE GEN'L GOVT THO BE RE-

F.N. 8) ... THE 13TH GRIEVANCE, "HE (KING GEORGE) HAS COMBINED WITH OTHERS ... ETC, "

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85. "STRAINED FROM INTERPOSING TO SUBDUE IT. AT THIS RATE AN ENTERPRISING CITIZEN MIGHT ERECT THE STANDARD OF MONARCHY IN A PARTICULAR STATE, MIGHT GATHER TOGETHER PARTIZANS FROM ALL QUARTERS, MIGHT EXTEND HIS VIEWS FROM STATE TO STATE, AND THREATEN TO ESTABLISH A TYRANNY OVER THE WHOLE & THE GEN'L GOVT BE COMPELLED TO REMAIN AN INACTIVE WITNESS OF ITS OWN DESTRUCTION." (EMPHASIS ADDED).

86. THE ENTERPRISING CITIZEN MENTIONED ABOVE HAS BEEN SPAWNED BY THE SUPREME COURT OF THE UNITED STATES.* IN *Santa Clara County V. Southern Pacific Railroad*, 118 U.S. 394 (1886), WE SEE THE COURT ADOPTING THIS IMMORTAL BEING, TURNING THE CORPORATION INTO THAT CITIZEN ABLE TO ERECT THE STANDARD OF MONARCHY; THE "INCONSIDERABLE PORTION," OR "FAVORED CLASS" WHO ENJOYS "A SUPERIORITY OF PECUNIARY RESOURCES," MADISON SAYS ALMOST SARCASTICALLY:

87. "IS IT TRUE THAT FORCE AND RIGHT ARE NECESSARILY ON THE SAME SIDE IN REPUBLICAN GOVERNMENTS? MAY NOT THE MINOR PARTY POSSESS SUCH A SUPERIORITY OF PECUNIARY RESOURCES, OF MILITARY TALENTS AND EXPERIENCE, OR OF SECRET SUCCORS FROM FOREIGN POWERS, AS WILL RENDER IT SUPERIOR ALSO IN AN APPEAL TO THE SWORD? MAY NOT A MORE COMPACT AND ADVANTAGEOUS POSITION TURN THE SCALE ON THE SAME SIDE, AGAINST A SUPERIOR NUMBER SO SITUATED AS TO BE LESS CAPABLE OF A PROMPT AND COLLECTED EXERTION OF ITS STRENGTH? NOTHING CAN

F.N.
* THIS IS THE GREATER FEAR OF REBELLION. A TREASONOUS REBELLION BY THE NATIONAL COURTS AGAINST THE PRINCIPLES OF OUR CONSTITUTION, USING FINANCIAL OPPRESSION AS A MEANS!

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"BE MORE CHEMIRICAL THAN TO IMAGINE THAT IN A TRIAL OF ACTUAL FORCE, VICTORY MAY BE CALCULATED BY THE RULES WHICH PREVAIL IN A CENSUS OF THE INHABITANTS, OR WHICH DETERMINE THE EVENT OF AN ELECTION! MAY IT NOT HAPPEN, IN FINE, THAT THE MINORITY OF **CITIZENS** MAY BECOME A MAJORITY OF **PERSONS**"[2].

88 SO IT IS HISTORICALLY CLEAR, THAT THE U.S. SUPREME COURT HAS TAKEN THIS IMMORTAL BEING, A CORPORATION DEEMED A PERSON FOR THE LIMITED PURPOSE OF PERPETUATING PROFITS, AND GIVEN THEM PROTECTIONS UNDER THE FOURTEENTH AMENDMENT, UNDER THE PRETENSE OF EQUAL PROTECTION OF THE LAWS. THIS FAVORTISIM, WHERE "THE MINORITY OF **CITIZENS**... BECOME[S] A MAJORITY OF **PERSONS**", BY MEANS OF THEIR SUPERIOR WEALTH AND POLITICAL INFLUENCE*, CREATES WITHIN SOCIETY A PROGRESSIVE RESISTANCE. YET, RATHER THAN RETURN TO THE FOUNDATION THAT IS LAID, SEEING THAT THE NATIONAL GOVERNMENT AFTER THE CIVIL WAR SO SUCCESSFULLY RECONSTITUTES "THE VITAL PRINCIPLES OF OUR POLITICAL SYSTEM," THE PROGRESSIVE MOVEMENT TURNS TO THE VERY SOURCE THAT FACILITATES THE USURPATION. THE PROGRESS-

F.N.

*) THIS PRODUCES A COLLECTIVE FORCE OF ELITIST CORPORATIONS SUPERIOR TO THE INFLUENCE OF SOVEREIGN STATES.

WES INITIALLY TURN TO THE STATE LEGISLATURES FOR RELIEF, (INCLUDING: CHILD LABOR, MINIMUM WAGE, MAXIMUM HOUR, FACTORY SAFETY, EMPLOYER LIABILITY, AND WORKER'S COMPENSATION STATUTES), BUT THE U.S. SUPREME COURT IN SUCH CASES AS *Lochner V. New York*, 198 U.S. 45 (1905), OVERTURNS THE EFFORTS AT THE STATE LEVEL, CAUSING THE PEOPLE TO TURN TO CONGRESS, THE PRESIDENT, AND ULTIMATELY THE SUPREME COURT OF THE UNITED STATES.

89. THIS SAME PROGRESSION IS THE HISTORIC BASIS FOR HAMILTON'S POSITION IN FEDERALIST NO. 84, PAR. 8, HE INSTRUCTS THE PEOPLE OF NEW YORK ABOUT THE CAUSE AND EFFECT OF BILLS OF RIGHTS, HE SAYS:

90. "SUCH WAS THE *Petition of Right* ASSENTED TO BY CHARLES I. IN THE BEGINNING OF HIS REIGN. SUCH, ALSO, WAS THE DECLARATION OF RIGHT PRESENTED BY THE LORDS AND COMMONS TO THE PRINCE OF ORANGE IN 1688, AND AFTERWARDS THROWN INTO THE FORM OF AN ACT OF PARLIAMENT CALLED THE BILL OF RIGHTS."

91. IT IS EASY TO SEE THE SAME PROGRESSION IN OUR EXPERIENCE. THE BILL OF RIGHTS WAS BASICALLY DEMANDED BY A REVOLUTIONARY GENERATION,

"SWORD IN HAND," SO TO SPEAK; WHICH IS FOLLOWED BY, AS HAMILTON WARNS:

"IT IS EVIDENT THAT IT WOULD FURNISH, TO MEN DISPOSED TO USURP, A PLAUSIBLE PRETENCE FOR CLAIMING THAT POWER. THEY MIGHT URGE WITH A SEMBLANCE OF REASON, THAT THE CONSTITUTION OUGHT NOT TO BE CHARGED WITH THE ABSURDITY OF PROVIDING AGAINST THE ABUSE OF AN AUTHORITY WHICH WAS NOT GIVEN". [39]

92. THIS IS THE REASON FOR THE 9TH AND 10TH AMENDMENTS, WHICH READ:

93. "THE ENUMERATION IN THE CONSTITUTION, OF CERTAIN RIGHTS, SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE.

94. "THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE." (*infra* AT).

95. IT IS BY AND WITH THE VARYING CHANGES OF POWER, FROM FACTION TO FACTION — FROM THE FEDERALIST TO THE JEFFERSONIAN DEMOCRATS, TO THE CIVIL WAR AND RECONSTRUCTION; THROUGH THE GILDED AGE AND PROGRESSIVISM; TO THE MODERN DAY ERA OF RIGHTS CONSCIOUSNESS; EVENTUALLY, AS IT IS PRESENTLY, THE CONSTITUTIONAL PROHIBITIVE CLAUSES, CORRESPONDING

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39 THIS PREMISE OF USURPATION IS SEEN IN THE 14TH AMENDMENT. THE PROPOSITION BASED ON THE HOPE, THAT THE BILL OF RIGHTS WOULD APPLY TO FORMER SLAVES. YET IN SUBSTANCE, IT APPLIES TO CORPORATIONS!

WITH POSITIVE LAW ESTABLISHING A SPECIFIC SYSTEM, HAS BEEN "THROWN INTO THE FORM OF AN ACT OF PARLIAMENT". WE SEE THIS SO PLAINLY IN THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT (AEDPA).

96. THIS ACT OF CONGRESS IS A PERFECT EXAMPLE OF AMELIORATING STATUTES SUPPORTING WHAT MADISON REFERS TO AS: "FORCED CONSTRUCTIONS OF THE CONSTITUTIONAL CHARTER", MANIFESTED "TO ENLARGE ITS POWERS"[40]. THIS ENLARGEMENT OF POWERS CLEARLY VIOLATING THE 9TH & 10TH AMENDMENTS IS VERY SIMILAR TO THE ALIEN AND SEDITION ACTS OF 1798. THE FEDERALIST AND ADAMS ADMINISTRATION SOUGHT TO ASSOCIATE POLITICAL RESISTANCE WITH THE ODIOUS CHARACTER OF ALIEN RESIDENTS, BOTH BEING FRAMED AS A THREAT TO NATIONAL SECURITY AND THE ESTABLISHED ORDER.[41]

97 THIS IS VERY SIMILAR TO THE AEDPA, THE GOVERNMENT OF THE

E.O.#

40) SEE MADISON'S REPORT ON THE ALIEN AND SEDITION ACTS. 41) SEE "SOWING THE SEEDS OF SUCESSION", BY PATRICIA M. SMITH.

UNITED STATES AFFILIATES THE TERRORIST, AND MURDEROUS VILLIANS WITH THE PATRIOT. BY ASSUMING CONTROL OVER HABEAS CORPUS, REMOVING FROM THE STATE COURTS THE ARTICLE VI, CLAUSE 2 EMPOWERMENT OF INDEPENDENT DISCRETION, COUPLED WITH THE CONTEMPORARY CREED OF THE "CLEARLY ESTABLISHED FEDERAL LAW," FOUND IN 28 USC § 2254(d)(1), THE "EQUAL RIGHT TO JUDGE FOR ITSELF," I.E., THE POWER OF STATE JUDGES TO DECIDE, AS TO "THE EXTENT OF THE POWERS DELEGATED", IF THE LAWS OF THE UNITED STATES ARE BEING MADE IN PURSUANCE OF THE CONSTITUTION, THE POWER IS REMOVED.

98. IN MADISON'S LETTER TO JEFFERSON, DECEMBER 29, 1798 HE ASK:

99. "HAVE YOU EVER CONSIDERED THOROUGHLY THE DISTINCTION BETWEEN THE POWER OF THE *State* AND THAT OF THE *Legislature* ON QUESTIONS RELATING TO THE FEDERAL PACT[42]. ON THE SUPPOSITION THAT THE FORMER IS CLEARLY THE ULTIMATE JUDGE OF INFRACTIONS, IT DOES NOT FOLLOW THAT THE LATTER IS THE LEGITIMATE ORGAN, ESPECIALLY AS A CONVENTION WAS THE ORGAN BY WHICH THE COMPACT WAS MADE."

100. MADISON IS, (WITHOUT BREAKING HIS PROMISE THAT HE WOULD NOT REVEAL THE DETAILS

F.N. 42) ART. VI, CLAUSE 2, IS A PART OF THAT ORGANISM. IT IS THE REPRESENTATIVE OF THE SOVEREIGN STATE WITHIN THE REALM OF JUDICIAL INQUIRY, THE COERCION OF LAWS DYNAMIC THAT DOMINATES THE DOMAIN OF REASON.

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OF HIS NOTES WHILE THE DELEGATES REMAINED ALIVE,) REFERRING TO THE IMMUTABLE AUTHORITY GIVEN TO THE PARTIES WITHIN THE TEXT. HE BRINGS TO JEFFERSON'S ATTENTION, THAT THE AUTHORITY EXTENDS BEYOND THE LEGISLATURES, OR CONGRESS, THE SEPERATE POWERS OF EACH SOVEREIGN LIES WITHIN THE COMPACT AGREEMENT; AND IT IS WITH GREAT DETAIL THAT A SYSTEM IS ESTABLISHED WHERE POWER IS FRAGMENTED, AND CHECKS AND BALANCES REST UPON THE ACKNOWLEDGEMENT OF THAT HUMAN QUALITY OF PURSUING SELF-INTEREST, WHICH IS MADE PROVISIONAL, AND RATIFIED BY THE PEOPLE. MADISON EXPLAINS:

101. "AMBITION MUST BE MADE TO COUNTERACT AMBITION. THE INTEREST OF THE MAN MUST BE CONNECTED WITH THE CONSTITUTIONAL RIGHTS OF THE PLACE. IT MAY BE A REFLECTION ON HUMAN NATURE THAT SUCH DEVICES SHOULD BE NECESSARY TO CONTROL THE ABUSES OF GOVERNMENT. BUT WHAT IS GOVERNMENT ITSELF BUT THE GREATEST OF ALL REFLECTIONS ON HUMAN NATURE?"

102. IT IS CRITICAL TO UNDERSTAND THE CURRENT TEMPERMENT OF THE PEOPLE OF THE UNITED STATES, A DISPOSITION FORMED BY MANIPULATION, ONE

THAT WAS MANDACED BY THE SUPREME COURT OF THE UNITED STATES.

103. AFTER THE CIVIL WAR, A COURT THAT IS PACKED WITH CORPORATE LAWYERS, USING THE 14TH AMENDMENT, FACILITATED FOR THIS DISTINCT PURPOSE, BEGINS A PARTICULAR ORIENTATION OF SELECTIVE CASES DESIGNED TO REMOVE THE STATE LEGISLATURES POWERS OF POLICE OVER THEIR CORPORATIONS. THE U.S. SUPREME COURT ACTS IN CONCERT WITH CONGRESSIONAL LEADERS TO FORMULATE A DOCTRINE THAT RESTRUCTURES THE FEDERALIST SYSTEM THROUGH SUBSTANTIVE DUE PROCESS. THIS ENCROACHMENT ON THE STATES RESERVED POWERS CAUSES THE STATE GOVERNMENTS TO RESPOND WITH APPROPRIATE LEGISLATIVE ACTS.

104. SUBSEQUENT TO THIS FORM OF RESISTANCE, THE U.S. SUPREME COURT BUILDS UPON THE CHARACTERIZATION OF THE CORPORATION, THAT IS IN CONSTITUTIONAL TERMS AN ATTACK ON THE SOVEREIGNTY OF THE STATES. THE COURT'S INTENT IS TO ESTABLISH WHAT THE FOUNDING GENERATION REJECTS. IN *Richard Glossip V. Kevin J. Gross,*

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(CIV-14-665-F), DKT 267 WADE LAY DESCRIBES THE CONCEPT THAT: "SOVEREIGNTY IS VALIDATED BY, A CONTROL OVER THE PROPERTY INTEREST!" JOHN DICKENSON OF DELAWARE, ON JUNE 7, 1787 AT CONVENTION REFERS TO THIS IN A COMPARATIVE LIGHT TO THE EUROPEAN MOBILITY, TO THE FORMS WE REBELLED AGAINST AS: "THE ATTACHMENTS WHICH THE CROWN DRAWS TO ITSELF. IN HIS "NOTICE OF APPEAL", DKT#: 267, CONTINUING DICKENSON'S STATEMENT, WITH COMMENTARY, LAY WRITES:

105. "'IN PLACE OF THESE ATTACHMENTS WE MUST LOOK FOR SOMETHING ELSE. ONE BRANCH OF STABILITY IS THE DOUBLE BRANCH OF THE LEGISLATURE. THE DIVISION OF THE COUNTRY INTO DISTINCT STATES FORMED THE OTHER PRINCIPAL SOURCE OF STABILITY. THIS DIVISION OUGHT THEREFORE TO BE MAINTAINED, AND CONSIDERABLE POWERS TO BE LEFT WITH THE STATES.'

106. "DICKENSON GOES ON TO SAY: 'A LIMITED MONARCHY HE CONSIDERED AS ONE OF THE BEST GOVERNMENTS IN THE WORLD.' HOWEVER, HE POINTS OUT THAT 'THE SPIRIT OF THE TIMES, THE STATE OF OUR AFFAIRS, FORBADE THE EXPERIMENT, IF IT WERE DESIRABLE.' THE HISTORICAL FACT IS CLEAR, THAT THE PEOPLE OF THE NEW REPUBLIC CHOSE TO PLACE 'THE ATTACHMENTS THE CROWN DRAWS TO ITSELF,' IN ANOTHER REALM. [F.N.* READS:] THIS IS THE ATTACHMENT AND STABILITY OF THE PROPERTY INTEREST, *i.e.*, AS DESCRIBED IN *Terret V. Taylor*, 9 CRANCH 43 (1815),

"' AT THE REVOLUTION, ALL THE PUBLIC PROPERTY, UNDER THE SANCTION OF THE LAW, BECAME THE PROPERTY OF THE STATE.' THE POWER OF THE NOBILITY FRAGMENTED, DIFFUSED INTO THE POLICE POWERS OF EACH STATE LEGISLATURE." (EMPHASIS ADDED).

107. THE PEOPLE IN THEIR SOVEREIGN POLITICAL CAPACITY, AS THAT REFERRED TO BY MADISON, IN HIS LETTER TO JEFFERSON, DECEMBER 29, 1798, TO THAT MAJORITY VOICE OF A STATE, "IS CLEARLY THE ULTIMATE JUDGE OF INFRACTIONS," AND/ OR TREASON. THEY ACT THROUGH THEIR STATE GOVERNMENTS, WITH THE WHOLE AMBIT OF RESERVED POWERS, TO - "SOUND THE ALARM", TO THEIR SISTER STATES, IN THE EVENT THE CENTRAL AUTHORITY USURPS THEIR POWERS.

108. THE STATES, THE PARTIES TO THE COMPACT HAVE A RIGHT TO ALTER, OR TO ABOLISH THEIR FORMS OF GOVERNMENT, AT THE NATIONAL LEVEL [43].

IT IS AT THIS JUNCTURE, AVANTAGEOUS TO THE ARGUMENTS, TO ENTER THE ASSERTIONS FROM ANOTHER TEXT BEING FORWARDED TO THE UNITED NATIONS SECURITY COUNCIL CONCERNING TREASON BY THE U.S. NATIONAL RULERS.

E.N.D.

43) SEE SUPRA AT PG. 30, PAR. 79.

TO THE UNITED NATIONS SECURITY COUNCIL

109. OBJECTIVE:

PURSUANT TO THE ENFORCEMENT ACT THIS BODY HAS THE POWER TO PLACE SANCTIONS UPON ANY NATION THAT VIOLATES ITS CHARTER OR CONSTITUTION, RESULTING IN CONDITIONS THAT ARE INHUMANE FOR ITS OWN CITIZENS, OR IMPOSES UPON THE RIGHTS OF OTHER NATION STATES. THE UNITED STATES OF AMERICA HAS VIOLATED THIS INTERNATIONAL RULE OF CONDUCT.

110. PROPOSAL:

THE UNITED NATIONS SECURITY COUNCIL SHOULD EXAMINE THE FACTS PROVIDED IN THIS PETITION, AND CONSIDER HEARINGS TO DETERMINE THE AFFECTS THIS UNRULY ADMINISTRATION WHICH EMANATES OUT FROM A SINGLE UNELECTED FACTION HAS HAD ON THE WORLD.

111. TO: GENERAL COUNSEL OF THE UNITED NATIONS

112. FROM: WADE GREELY LAY

UNITED STATES CITIZEN (STATE OF OKLAHOMA)

OKLAHOMA STATE PENITENTIARY

P.O. BOX 97

MCALESTER, OKLAHOMA 74502

RESPECTFULLY SUBMITTED BY

WADE LAY D.O.C. NO. 516263

OKLAHOMA STATE PENITENTIARY
P.O. BOX 97
MCALESTER, OKLAHOMA 74502

07/06/2020

ARGUMENTS:

113. 1. IN THE UNITED STATES CONSTITUTION - ARTICLE III, SECTION 3, CLAUSES 1 & 2, TREASON IS DEFINED AND THE PUNISHMENT FOR SUCH AN ACT IS EXPRESSED IN THE FOLLOWING MANNER:

114. 2. "THE CONGRESS SHALL HAVE POWER TO DECLARE THE PUNISHMENT OF TREASON, BUT NO ATTAINDER OF TREASON SHALL WORK CORRUPTION OF BLOOD, OR FORFEITURE EXCEPT DURING THE LIFE OF THE PERSON ATTAINTED."

115. 3. IN THE FEDERALIST NO. 43, PARAGRAPHS 6 & 7, JAMES MADISON EXPLAINS TO THE PEOPLE OF NEW YORK STATE, THE FOLLOWING:

116. 4. "AS TREASON MAY BE COMMITTED AGAINST THE UNITED STATES, THE AUTHORITY OF THE UNITED STATES OUGHT TO BE ENABLED TO PUNISH IT. BUT AS NEW-FANGLED AND ARTIFICIAL TREASONS HAVE BEEN THE GREAT ENGINES BY WHICH VIOLENT FACTIONS, THE NATURAL OFFSPRING OF FREE GOVERNMENT, HAVE USUALLY WREAKED THEIR ALTERNATE MALIGNITY ON EACH OTHER, THE CONVENTION HAVE, WITH GREAT JUDGMENT, OPPOSED A BARRIER TO THIS PECULIAR DANGER, BY INSERTING A CONSTITUTIONAL DEFINITION OF THE CRIME, FIXING THE PROOF NECESSARY FOR CONVICTION OF IT, FROM EXTENDING THE CONSEQUENCES OF GUILT BEYOND THE PERSON OF ITS AUTHOR."

117. 5. JAMES MADISON ALLUDES TO A CONDITION THAT EXIST, IN WHAT HE TERMS: **FREE GOVERNMENT.** THE FRAMERS OF THE AMERICAN CONSTITUTION ENLARGE UPON THIS ISSUE, IT ACTUALLY EXIST AS A CENTRAL PART OF THE COMPOSITION AND STRUCTURE OF THE SYSTEM. A MEASURE TO PREVENT THE **ARTIFICIAL** OPERATIONS OF GOVERNMENT CONCEALING THE UNDERLYING FUNCTIONS OF A DOMINEERING FACTION. USING

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GOVERNMENT TO ACHIEVE ITS OWN ENDS.

118. 6. NOTWITHSTANDING THIS BARRIER PROVIDED TO OPPOSE SUCH A CONTRIVANCE, I.E., THE MANIPULATION OF GOVERNMENT, PRIMARILY THROUGH CONSTRUCTIVE POWERS EXERCISED BY THE JUDICIAL BRANCH OF THE UNITED STATES, TREASON HAS OCCURRED, WHICH CAME IN THE FORM OF A COUNTER-REVOLUTION IN 1861. IT IS AFTER THIS EVENT KNOWN TO US AS THE AMERICAN CIVIL WAR, THAT THE PROOF CAN BE UNVEILED, AND THE ROLE OF THE SUPREME COURT EXPOSED AS THE CONDUIT RELIED UPON BY THE BANKING FACTION LED BY THE HOUSE OF MORGAN. (I.E., John Pierpont Morgan, 1837-1913, AMERICAN FINANCIER).

119. 7. TO THE SKEPTIC, TO THE IGNORANT AND MISINFORMED, THE FACTS WILL BE READILY DISPLAYED. THE U.S. CONSTITUTION PLACES THE POWER OVER CORPORATIONS, OR THE PROPERTY INTEREST, INTO THE HANDS OF THE STATE LEGISLATURES; A RESERVED POWER NOT DELEGATED TO THE UNITED STATES. IT IS A REJECTION OF THE 18TH CENTURY NOBILITY, A FRAGMENTATION OF THAT WEALTH, WHICH ALWAYS MANAGES TO TRANSCEND POLITICAL LIMITATIONS, PLACED IN A REALM INCOMPATABLE WITH THE CONCEPT OF CONSOLIDATION.

120. 8. IT IS CRUCIAL TO SEE AND UNDERSTAND, HOW IT IS, THAT THE U.S. SUPREME COURT IS THE CONDUIT THROUGH WHICH THE GLOBAL NOBILITY OPERATES, AND HOW THIS ELITIST FACTION CONTROLS THE OTHER TWO DEPARTMENTS OF THE U.S. GOVERNMENT, I.E., THE U.S. CONGRESS AND THE PRESIDENT OF THE U.S.. THE QUICKEST AND MOST POIGNANT DISPLAY DESCRIBING THIS USURPATION, RESIDES IN THE CONTRASTING OBSERVANCE OF THE ANTEBELLUM COURT, I.E., THE MARSHALL AND TANEY COURTS, FROM 1800-1861; WITH THE POST CIVIL WAR COURTS, FROM 1865 TO THE PRESENT.

121. 9. THE MARSHALL AND TANEY COURTS ESTABLISH A STRONG SYSTEM WHEREIN CORPORATIONS MAY FLOURISH ECONOMICALLY IN THEIR PROFITS WITH A GOOD MEASURE OF FINANCIAL INDEPENDENCE, WHILE BEING CONSTITUTIONALLY TETHERED TO THE LOCAL INTEREST BY MEANS OF STATE LEGISLATIVE GOVERNANCE. AN EXAMINA-

TION OF THE PRE-CIVIL WAR SUP. CT. OPINIONS SHAPING THE INFANCY AND DEVELOPMENT OF THAT STRONG SYSTEM REFERRED TO ABOVE; ONE THAT GIVES TO THE STATE LEGISLATIVE BODIES THE PRECEPTS NECESSARY TO CARRY OUT THEIR RESIDUAL POWERS OF POLICE OVER THEIR CORPORATE CHARTERS, IS IN ORDER.

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122. 10. IN *Terrett V. Taylor*, 13 U.S. 43 (1815), JUSTICE JOSEPH STORY DEVISES A MAJOR NEW CONCEPT IN AMERICAN LAW, THAT OF THE PRIVATE CORPORATION. MARSHALL FIRST GIVES A BROAD READING TO THE CONTRACT CLAUSE IN *Fletcher V. Peck*, 6 CRANCH (10 U.S.) 87 (1810), EXTENDING THE REACH OF THE CLAUSE TO CONTRACTS IN WHICH THE STATE ITSELF WAS A PARTY. IN *Dartmouth College V. Woodward*, 4 WHEAT (17 U.S.) 518 (1819), MARSHALL EXPANDS THE CLAUSE TO PROTECT CORPORATE CHARTERS FROM RECISSION OR MODIFICATION BY THE STATE. HOWEVER, WITHIN THIS LANGUAGE COUPLED WITH OTHER DECISIONS THAT FOLLOW, A PARTICULAR CHARACTER DEFINED BY THE SUPREME COURT IS ANCHORED AS A REMARKABLE ARRAY EMPOWERING STATE LEGISLATURES TO INFLUENCE NATIONAL ECONOMIC DEVELOPMENT, ACTING IN TANDEM WITH CONGRESS, WITH A BI-CAMERAL BODY, OF WHICH THE U.S. SENATE IS APPOINTED BY THOSE STATE LEGISLATIVE BODIES, AS THE U.S. CONSTITUTION ORIGINALLY DICTATES. CHIEF JUSTICE JOHN MARSHALL IN *Dartmouth* WRITES:

123. 11. "A CORPORATION ~~IS AN ARTIFICIAL~~ IS AN ARTIFICIAL BEING, INVISIBLE, INTANGIBLE, AND EXISTING ONLY IN CONTEMPLATION OF LAW. BEING THE MERE CREATURE OF LAW, IT POSSESSES ONLY THOSE PROPERTIES WHICH *the charter of its creation confers upon it*, EITHER EXPRESSLY, OR AS INCIDENTAL TO ITS VERY EXISTENCE....

124. 12. "BY THESE MEANS, A PERPETUAL SUCCESSION OF INDIVIDUALS ARE CAPABLE OF ACTING

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"FOR THE PROMOTION OF THE PARTICULAR OBJECT, LIKE ONE IMMORTAL BEING. BUT THIS BEING DOES NOT SHARE IN THE CIVIL GOVERNMENT OF THE COUNTRY, UNLESS THAT BE THE PURPOSE FOR WHICH IT WAS CREATED."

125. 13. ADDED TO THIS LIMITATION, OR REGULATORY POWER STRENGTHENING THE STATE GOVERNMENTS IN EXERCISING AUTHORITY OVER THEIR POWERS OF POLICE TO MANAGE THEIR CORPORATE CHARTERS, LIMITING THE FEDERAL COURTS TO THOSE "PROPERTIES WHICH *the charter of its creation confers upon it*," *i.e.*, UPON THE CORPORATION: *Charles River Bridge V. Warren Bridge Company*, 11 PETER 136 U.S.) 420 (1837), SOLIDIFIES SUCH CONFERENCE TO THE SOVEREIGN AS THE CREATOR. A QUALITY NOT TO BE DIMINISHED OR ENLARGED BY ANY COURT, STATE OR FEDERAL, THROUGH CONSTRUCTIVE POWERS. CHIEF JUSTICE ROGER TANEY DECLARES:

126. 14. "IT WOULD INDEED BE A STRONG EXERTION OF JUDICIAL POWER, ACTING UPON ITS OWN VIEWS OF WHAT JUSTICE REQUIRED, AND THE PARTIES OUGHT TO HAVE DONE, TO RAISE, BY A SORT OF JUDICIAL COERCION, AN IMPLIED CONTRACT, AND INFER IT FROM THE NATURE OF THE VERY INSTRUMENT IN WHICH THE LEGISLATURE APPEAR TO HAVE TAKEN PAINS TO USE WORDS WHICH DISAVOW AND REPUDIATE ANY INTENTION, ON THE PART OF THE STATE, TO MAKE SUCH A CONTRACT."

127. 15. TANEY THEN RESORTS TO A HYPOTHETICAL, HE SAYS: "LET IT ONCE BE UNDERSTOOD, THAT [IF] SUCH CHARTERS CARRY WITH THEM THESE IMPLIED CONTRACTS," *i.e.*, THE TYPE OF REASONING FOUND IN THIS PRESENT MODERN DAY PARADIGM, UNDER THE DOCTRINE OF SUBSTANTIVE DUE PROCESS, TO "GIVE THIS UNKNOWN AND UNDEFINED" QUALITY TO CORPORATIONS, OUTSIDE THEIR RESPECTIVE STATE CHARTERS; "THIS COURT WILL FIND ITSELF COMPELLED TO FIX, BY SOME ARBITRARY RULE," THE WIDTH OF SUCH QUALITIES, WITH "NO LIGHTS TO GUIDE US IN MARKING OUT ITS EXTENT, UNLESS, IN-

F.N. 1) WE SEE THIS UNKNOWN AND UNDEFINED QUALITY BEING ASSERTED IN *Citizens United V. Federal Election Commission*, , WHERE FREE SPEECH IS GIVEN TO IMMORTAL BEINGS

DEED, WE RESORT TO THE OLD FEUDAL GRANTS." (EMPHASIS ADDED).

128. 16. IT APPEARS UNDER HISTORICAL ANALYSIS, THAT TANEY POSSESSES A FOREKNOWLEDGE OF THE FUTURE AGENDA CARRIED OUT AFTER THE CIVIL WAR, THROUGH THE 14TH AMENDMENT, UNDER THE DOCTRINE OF SUBSTANTIVE DUE PROCESS. HOWEVER, REASON DICTATES, TANEY FOLLOWING MARSHALL, PREPARES A SYSTEM IN WHICH CORPORATIONS COULD THRIVE, AND THAT ABUNDANCE OF PROFITABILITY COULD BE APPROPRIATED WITHIN A CONCURRENT BALANCE, TOWARDS THE BENIFIT OF EACH COMMUNITY UNDER THE *federalist principle.*

129. 17. FOR EXAMPLE: IN *Louisville Railroad Co. V. Letson*, 2 HOW. (43 U.S.) 497 (1844), THE TANEY COURT DISCARDED AN UNDESIRABLE JURISDICTIONAL DOCTRINE ORIGINATING IN *Bank of the United States V. Deveaux*, 5 CRANCH 61 (1809), WHICH HAD HELD FOR DIVERSITY PURPOSES, ALL THE SHAREHOLDERS OF A CORPORATION THAT WAS A PARTY TO A SUIT IN A FEDERAL COURT MUST BE DIVERSE FROM THE OTHER PARTY. THIS EFFECTEDLY SHUT THE DOORS OF FEDERAL COURTS TO CORPORATE LITIGANTS, AN UNNATURAL CONSTRAINT ON FEDERAL JURISDICTION THAT BECAME LESS DESIRABLE AS INTERSTATE BUSINESS EXPANDED. IN *Letson*, THE COURT SCUTTLED *Deveaux* BY HOLDING THAT, FOR DIVERSITY PURPOSES, "A CORPORATION IS DEEMED A CITIZEN ONLY OF THE STATE IN WHICH IT WAS INCORPORATED."

130. 18. WITHIN THIS PRUDENT LINE OF REASONING LIES THE INCEPTION OF THE CIVIL WAR, AND THE DESIRE TO FASHION SUCH A CLAUSE AS THAT FOUND IN THE FOURTEENTH ARTICLE OF AMENDMENT. HISTORY REVEALS, IN MANY REPUTABLE WORKS, THAT IT WAS THE EUROPEAN BANKING FACTION OPERATING THROUGH SUCH MEN AS: AUGUST BELMONT, AND JUNIOUS SPENCER MORGAN (FATHER OF JOHN PEIRPONT (J.P.) MORGAN), WHO FORMED THE POLITICAL CONDITIONS THAT INSTIGATED THE WAR BETWEEN THE STATES; HAVING THE SINGULAR OBJECTIVE, TO MORPH THE EXCELLENT SYSTEM FORMED BY THE FRAMERS, INTO WHAT IT HAS BECOME PRESENTLY, BY MEANS OF CONSTRUCTIVE POWERS THROUGH THE DOCTRINE OF SUBSTANTIVE DUE PROCESS.

131. 19. WHAT THE FRAMERS OF THE AMERICAN CONSTITUTION ACCOMPLISHED, AFTER THE REVOLUTION OF 1776, WAS A *federal* SYSTEM FRAGMENTING THE POWERS OF THE NOBILITY, *i.e.*, THE PROPERTY INTEREST, INTO THE POLITICALLY EMPOWERED BODIES OF THE STATE LEGISLATURES. JAMES MADISON DESCRIBES THIS IN FEDERALIST NO. 39, PARAGRAPH 14, HE DECLARES:

132. 20. "IF THE GOVERNMENT BE NATIONAL WITH REGARD TO THE *operation* OF ITS POWERS, IT CHANGES ITS ASPECT AGAIN WHEN WE CONTEMPLATE IT IN RELATION TO THE EXTENT OF ITS POWERS. THE IDEA OF A NATIONAL GOVERNMENT INVOLVES IN IT, NOT ONLY AN AUTHORITY OVER THE INDIVIDUAL CITIZENS, BUT AN INDEFINITE SUPREMACY OVER ALL PERSONS AND THINGS, SO FAR AS THEY ARE THE OBJECTS OF LAWFUL GOVERNMENT."

133. 21. THIS IS THE KEY FACTOR IN THE AMERICAN CHARTER, THE UNITED STATES CONSTITUTION — MADE PROVISIONAL AS A GUARANTEE, IN ARTICLE IV, SECTION 4, BEING DESCRIBED BY MADISON IN THE FEDERALIST, IN PARTICULAR NO. 39, PAR. 14, HE CONTINUES:

134. 22. "AMONG A PEOPLE CONSOLIDATED INTO ONE NATION, THIS SUPREMACY IS COMPLETELY VESTED IN THE NATIONAL LEGISLATURE. AMONG COMMUNITIES UNITED FOR PARTICULAR PURPOSES, IT IS VESTED PARTLY IN THE GENERAL AND PARTLY IN THE MUNICIPAL [*i.e.* STATE] LEGISLATURES. IN THE FORMER CASE, ALL LOCAL AUTHORITIES ARE SUBORDINATE TO THE SUPREME; [(LIKE THE SYSTEM THAT WAS IN OPERATION IN GREAT BRITIAN)] AND MAY BE CONTROLLED, DIRECTED, OR ABOLISHED BY IT AT PLEASURE. IN THE LATTER, THE LOCAL OR MUNICIPLE AUTHORITIES FORM DISTINCT AND INDEPENDENT PORTIONS OF THE SUPREMACY, NO MORE SUBJECT WITHIN THEIR RESPECTIVE SPHERES, TO THE GENERAL AUTHORITY, THAN THE GENERAL AUTHORITY IS SUBJECT TO THEM WITHIN ITS OWN SPHERE."

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135. 23. IN *McCulloch V. Maryland*, 4 WHEATON (17 U.S.) 816 (1819), CHIEF JUSTICE JOHN MARSHALL ARTICULATES A VERY SIMILAR CONSTRUCT WITHIN HIS OPINION, HE DECLARES: "THE GOVERNMENT OF THE UNION, THOUGH LIMITED IN ITS POWERS, IS SUPREME IN ITS SPHERE OF ACTION", (P. 405). THIS SAME COURT, IN *Martin V. Hunter's Lessee*, 1 WHEATON (14 U.S.) 304 (1816), THREE YEARS PRIOR TO THIS STATEMENT OF PRINCIPLE, DISTINGUISHING WITH COMMON LAW PRECEPTS, MEANS AND ENDS TO SUSTAIN AND CARRY OUT THE LIMITATIONS CHIEF JUSTICE MARSHALL REFERS TO IN *McCulloch*. JUSTIC WILLIAM JOHNSON CONCURRING IN THE OPINION, IN *Martin* DECLARES:

136. 24. "THE WORDS..., 'SHALL EXTEND TO;' NOW THAT WHICH *extends to* DOES NOT NECESSARILY *include in*, SO THAT THE CIRCLE MAY ENLARGE UNTIL IT REACHES THE OBJECTS THAT LIMIT IT, AND YET NOT TAKE THEM IN." (F.N.* READS: "ARTICLE III, SECTION 2, CLAUSE 1").

137. 25. THE OBJECT REFERRED TO HERE BY THE SUPREME COURT IN *Martin V. Hunter's Lessee*, IS, THE RESERVED POWERS OF THE STATES CONSIDERED *pre-existing*, *ie.*, POWERS NOT DELEGATED TO THE UNITED STATES, OR DELEGATED BY THE CONSTITUTION TO BE SUBJECT TO A SPECIFIC REGULATORY SCHEME THROUGH MEANS OF JUDICIAL POWERS OF CONSTRUCTION; AS WARNED AGAINST BY ALEXANDER HAMILTON IN FEDERALIST NO. 84, AND CONFIRMED BY JAMES MADISON ON JUNE 08, 1789, BEFORE THE 1ST CONGRESS, WHEN HE PRESENTS TO THE HOUSE OF REPRESENTATIVES FOR CONSIDERATION, THE BILL OF RIGHTS.

FIRST, HAMILTON IN FEDERALIST NO. 84, PAR. 10, STATES THE FOLLOWING:

138. 26. "I GO FURTHER, AND AFFIRM THAT BILLS OF RIGHTS, IN THE SENSE AND TO THE EXTENT IN WHICH THEY ARE CONTENDED FOR, ARE NOT ONLY UNNECESSARY IN THE PROPOSED CONSTITUTION, BUT WOULD EVEN BE DAN-

"GEROUS. THEY WOULD CONTAIN VARIOUS EXCEPTIONS TO POWERS NOT GRANTED; AND ON THIS VERY ACCOUNT, WOULD AFFORD A COLORABLE PRETEXT TO CLAIM MORE THAN WERE GRANTED.... I WILL CONTEND THAT SUCH A PROVISION WOULD CONFER A REGULATING POWER; BUT IT IS EVIDENT THAT IT WOULD FURNISH, TO MEN DISPOSED TO USURP, A PLAUSIBLE PRETENCE FOR CLAIMING THAT POWER. THEY MIGHT URGE WITH A SEMBLANCE OF REASON, THAT THE CONSTITUTION OUGHT NOT TO BE CHARGED WITH THE ABSURDITY OF PROVIDING AGAINST THE ABUSE OF AN AUTHORITY WHICH WAS NOT GIVEN, AND THAT THE PROVISION AGAINST RESTRAINING [e.g.,] THE LIBERTY OF THE PRESS AFFORDED A CLEAR IMPLICATION, THAT A POWER TO PRESCRIBE PROPER REGULATIONS CONCERNING IT WAS INTENDED TO BE VESTED IN THE NATIONAL GOVERNMENT."

139. 27. HAMILTON'S CAVEAT HAS PROVEN TO BE PROPHETIC. THE FOURTEENTH AMENDMENT, ACCORDING TO THE 39TH CONGRESS, WOULD SERVE AS A MEANS TO APPLY THE CIVIL LIBERTIES INHERENT IN THE BILL OF RIGHTS TO THE STATES. NOTWITHSTANDING THIS OBVIOUS INTENT, THE SUPREME COURT OF THE UNITED STATES IGNORED THE PLIGHT OF FORMER SLAVES, AND FORTHWITH, IMMEDIATELY AFTER THE CIVIL WAR BEGAN THE DEVELOPMENT OF THE DOCTRINE - SUBSTANTIVE DUE PROCESS, GIVING GREATER LIBERTIES TO CORPORATIONS.

140. 28. THE SUPREME COURT OF THE U.S. DISREGARDS SUCH EXPLANATIONS AS THAT GIVEN BY ALEXANDER HAMILTON, IN ITS RELATION TO MADISON'S RESPONSE TO SUCH SKEPTICISM BEFORE THE 1ST CONGRESS, ON JUNE 08, 1789 WHEN HE INTRODUCES HIS VERSION OF A BILL OF RIGHTS, JAMES MADISON SAYS:

141. 29. "THERE HAVE BEEN OBJECTIONS OF VARIOUS KINDS MADE AGAINST THE CONSTITUTION. SOME WERE LEVELLED AGAINST ITS STRUCTURE BECAUSE THE PRESIDENT WAS WITHOUT A COUNCIL; BECAUSE THE SENATE, WHICH IS A LEGISLATIVE BODY, HAD JUDICIAL POWERS IN TRIALS ON IMPEACHMENTS; AND

"BECAUSE THE POWER OF THAT BODY WERE COMPOUNDED IN OTHER RESPECTS, IN A MANNER THAT DID NOT CORRESPOND WITH A PARTICULAR THEORY; BECAUSE IT GRANTS MORE POWER THAN IS SUPPOSED TO BE NECESSARY FOR EVERY GOOD PURPOSE, AND CONTROLS THE ORDINARY POWERS OF THE STATE GOVERNMENTS. I KNOW SOME RESPECTABLE CHARACTERS WHO OPPOSED THIS GOVERNMENT ON THESE GROUNDS; BUT I BELIEVE THE GREAT MASS OF THE PEOPLE WHO OPPOSED IT, DISLIKED IT BECAUSE IT DID NOT CONTAIN EFFECTUAL PROVISIONS AGAINST THE ENCROACHMENTS ON PARTICULAR RIGHTS, AND THOSE SAFEGARDS THEY HAVE BEEN LONG ACCUSTOMED TO HAVE INTERPOSED BETWEEN THEM AND THE MAGISTRATE WHO EXERCISES THE SOVEREIGN POWER; NOR OUGHT WE TO CONSIDER THEM SAFE, WHILE A GREAT NUMBER OF OUR FELLOW-CITIZENS THINK THESE SECURITIES NECESSARY."

142. 30. THE FOUNDING GENERATION UNDERSTOOD, THAT THE POLITICAL RIGHTS OF LOCAL POLITICAL LEADERS, BEING IN POSSESSION OF SPECIFIC FEDERAL CONSTITUTIONAL FUNCTIONS WITHIN THE FEDERAL SYSTEM; THAT THIS PARTICULAR AUTONOMY DESIGNATING CERTIAN OPERATIONAL MODES OF PROCEEDING, SEPERATED FROM THE CONTROL OF THE CENTRAL AUTHORITY, WOULD BE THE ONLY MEANS TO SECURE LIBERTY TO A DIVERSE POPOLATION. THIS ENDEAVOR IS BEYOND THE ABILITY OF A SUPREME NATIONAL TRIBUNAL, AND THE FACTS SHOW, THAT THE CIVIL RIGHTS OF THE AMERICAN PEOPLE HAS NEVER BEEN AT THE FOREFRONT OF THE U.S. SUPREME COURT'S AGENDA. THE CORPORATE ELITE, SINCE THE CIVIL WAR HAVE ALWAYS TAKEN PRIORITY OVER THE PEOPLES INTEREST.

143. 31. THE BANKING FACTION KNEW, THAT IN SUCH A PARADIGM, AS THAT CREATED BY THE SUPREME COURT OF THE UNITED STATES DURING THE ANTE-BELLUM ERA, WHERE THE PROPERTY INTEREST IS DELEGATED BY THE CONSTITUTION TO THE STATE LEGISLATURES THROUGH MEANS OF THEIR RESERVED POWERS OF POLICE OVER CORPORATE CHARTERS; COUPLED WITH THE ATTRIBUTES OF SOVEREIGNTY,

WHERE THOSE GOVERNMENTS ENJOY AUTONOMOUS COURTS UNDER ARTICLE VI, CLAUSE 2; WITH INDEPENDENT MILITARY BODIES PURSUANT TO ARTICLE 1, SECTION 8, CLAUSES 15 & 16, COUPLED WITH THE SECOND ARTICLE OF AMENDMENT; WITH UNITED STATES SENATORS, AND THE CHIEF EXECUTIVE MAGISTRATE RELIANT ON THE STATE LEGISLATURES FOR THEIR APPOINTMENT; AND CONGRESS BOUND TO A CENSUS FOR A DIRECT TAX, STRENGTHENED BY THE DISPOSITION AS STATED IN *Charles River Bridge V. Warren Bridge*, 36 U.S. 420 (1837), WHERE C.J. ROGER TANEY PRODUCES A DOCTRINE THAT IS THE ANTITHESIS OF SUBSTANTIVE DUE PROCESS, SAYING:

144. 32. "I KNOW OF NO POWER OR AUTHORITY CONFIDED TO THE JUDICIAL DEPARTMENT, TO REJUDGE THE DECISIONS OF THE LEGISLATURE UPON SUCH A SUBJECT. IT HAS AN EXCLUSIVE RIGHT TO MAKE THE GRANT, AND TO DECIDE WHETHER IT BE, OR BE NOT, FOR THE PUBLIC INTEREST. IT IS TO BE PRESUMED, IF THE GRANT IS MADE, THAT IT IS MADE FROM A HIGH SENSE OF PUBLIC DUTY, TO PROMOTE THE PUBLIC WELFARE, AND TO ESTABLISH THE PUBLIC PROSPERITY. IN THIS VERY CASE, THE LEGISLATURE HAS, UPON THE VERY FACE OF THE ACT, MADE A SOLEMN DECLARATION AS TO THE MOTIVE FOR PASSING IT: THAT 'THE ERECTING OF A BRIDGE OVER CHARLES RIVER, &C., WILL BE OF GREAT PUBLIC UTILITY.' WHAT COURT OF JUSTICE IS INVESTED WITH AUTHORITY TO GAINSAY THIS DECLARATION? TO STRIKE IT OUT OF THE ACT, AND REASON UPON THE OTHER WORDS, AS IF IT WERE NOT THERE? TO PRONOUNCE THAT A GRANT IS AGAINST THE INTEREST OF THE PEOPLE, WHICH THE [STATE] LEGISLATURE HAS DECLARED TO BE OF GREAT UTILITY TO THE PEOPLE? IT SEEMS TO ME, TO BE OUR DUTY TO INTERPRET LAWS, AND NOT TO WANDER INTO SPECULATIONS UPON THEIR POLICY." THAT THESE BANKERS WOULD NEVER BE ABLE TO BREAK FREE OF SUCH A *federalist* SYSTEM.

145. 33. JUST SEVEN YEARS LATER, C.J. TANEY LAYS DOWN THE SOUND RULE, THAT: "A CORPORATION IS DEEMED A CITIZEN ONLY OF THE STATE IN WHICH IT WAS INCORPORATED", IN *Louisville Railroad Co. V. Letson*, 2 HOW (43 U.S.) 497 (1844). IT IS DUE TO THIS PARADIGM BEING FASHIONED SO ELEGUENTLY, THE BREAKING APART FROM THAT LONG ENDURING NOBLE CLASS, PRIMARILY REPRESENTED IN THE 18TH AND 19TH CENTURIES BY THE BANKING FACTION, HAVING NO NATIONAL LOYALTY OR PATRIOTIC ATTACHMENTS, THAT A PLAN WAS DEVISED AND EXECUTED BY SUCH MEN AS AUGUST BELMONT AND THE HOUSE OF MORGAN, GAINING CONTROL OVER BOTH POLITICAL PARTIES. THIS MANIPULATION LED TO A CIVIL WAR, AND THE OUTCOME OF THAT CONFLICT IS SEEN SO CLEARLY IN THE POST CIVIL WAR JURISPRUDENCE OPERATING THROUGH THE 14TH AMENDMENT AND THE DOCTRINE OF SUBSTANTIVE DUE PROCESS.

146. 34. THE GREAT CONFLICT THIS NATION, AND ALL NATIONS STRUGGLE WITH, IS THE EXERCISE OF POWERS FOR THE PUBLIC GOOD, COUPLED WITH THE CONTROL OF THOSE WIELDING POWER; TO THE NATURAL INCLINATION OF MANKIND, IE, "TO THE GENERAL PREY OF THE RICH ON THE POOR." (SEE JEFFERSON'S LETTER TO EDWARD CARRINGTON FROM PARIS, *January 16, 1787*).

147. 35. IN THE AMERICAN SCHEME, FOR GOVERNMENT TO CONTROL THE PASSIONS OF THE PEOPLE, TO THE CONTROL OVER THE MAJORITY TO OPPRESS MINORITIES, USING GOVERNMENT AS A MEANS. THE FRAMERS OF THE UNITED STATES CONSTITUTION UNDERSTOOD, THAT:

148. 36. "IT IS OF GREAT IMPORTANCE IN A REPUBLIC NOT ONLY TO GUARD THE SOCIETY AGAINST THE OPPRESSION OF ITS RULERS, BUT TO GUARD ONE PART OF THE SOCIETY AGAINST THE INJUSTICE OF THE OTHER PART."

149. 37. IN ORDER TO ACHIEVE THIS GOAL, A PECULIAR TYPE OF SYSTEM WAS CREATED BY

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BY THE UNITED STATES CONSTITUTION. THE WILL OF THE PEOPLE IS EXPRESSED BY A SUBORDINATE COLLECTIVE, WHEREBY EACH SUBORDINATE REPUBLIC, OR STATE, CARRIES WITHIN IT, A MAJORITY AND A MINORITY, OR SET OF MINORITIES, ACTING WITHIN A COMPOUND REPUBLIC THAT IS COMPREHENDED IN A UNIQUE MANNER, FOR THE PURPOSE OF PROTECTING EACH SEPERATE FACTION, AND/OR INDIVIDUALS AGAINST INJUSTICE OF VARIOUS KINDS IN WHATEVER FORM. THE FIRST PRINCIPLE OF THIS SYSTEM, LIES IN A STATE LEGISLATIVE PRESENCE IN THE NATIONAL COUNCILS, AIDED BY AN INDEPENDENT EXERCISE OF THOSE STATE GOVERNMENTS IN THEIR POWERS OF POLICE OVER THEIR CORPORATE CHARTERS.

150. 38. UPON THIS PRINCIPLE, CERTAIN KEY PROVISIONS WITHIN THE CONSTITUTION ACT AS A PEREMPTORY CORNERSTONE. SUCH AS: ARTICLE I, SECTION 8, CLAUSE 18, THE NECESSARY AND PROPER CLAUSE; AND ARTICLE VI, CLAUSE 2, THE SUPREMACY CLAUSE. WITHIN THIS DYNAMIC CERTIAN CORRESPONDENT CLAUSES HAVE ALLOWED FOR DIVERSE INTERPRETATIONS. TO JUSTIFY THE DOCTRINES OF SUBSTANTIVE DUE PROCESS, AND INCORPORATION OF THE BILL OF RIGHTS, BEING MADE APPLICABLE TO THE STATES; THE SUPREME COURT OF THE UNITED STATES THROUGH MEANS OF CONSTRUCTIVE POWERS, BASICALLY, REMODELS THE WHOLE SYSTEM; AND THE ESSENTIAL PURPOSE BEHIND THIS ALTERATION HAS JUST RECENTLY COME TO LIGHT.

151. 39. IN *Santa Clara County V. Southern Pacific Railroad*, 118 U.S. 394 (1886), THE U.S. SUP. CT. TAKES AN UNUSUAL BOLD STEP. AS RECORDED IN THE *Oxford Companion to the Supreme Court of the United States*, AT P. 681, IT READS:

152. 40. "DESPITE THE COURT'S NARROW HOLDING, THE CASE WAS NOT WITHOUT CONSTITUTIONAL CONSEQUENCE. IN AN UNUSUAL PREFACE, ENTERED BEFORE ARGUMENT, CHIEF JUSTICE MORRISON R. WAITE OBSERVED THAT THE COURT WOULD NOT CONSIDER THE QUESTION 'WHETHER THE PROVISION IN THE FOURTEENTH AMENDMENT TO THE CONSTITUTION FORBIDS A STATE TO DENY

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"TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE CONSTITUTION, APPLIED TO THESE CORPORATIONS. WE ARE ALL OF THE OPINION THAT IT DOES" (P. 396). IT FOLLOWED, [DUE TO THE ADHERANCE TO CONSTRUCTIVE POWERS,] THAT CORPORATIONS ENJOYED THE SAME RIGHTS UNDER THE FOURTEENTH AMENDMENT AS DID NATURAL PERSONS."

153. 41. THIS PECULIAR DECLARATION ALTERS THE CONSTITUTIONAL TEXT, FROM - "THE EQUAL PROTECTION OF THE LAWS", TO "THE EQUAL PROTECTION OF THE CONSTITUTION". THIS IS A COMMON LAW DISTORTION VIOLATING THE 9TH AND 10TH AMENDMENTS, AND DISREGARDS THE LONG HELD AND PRUDENT POSITION OF THE MARSHALL AND TANEY COURT, STATED AS FOLLOWS:

154. 42. "A CORPORATION IS AN ARTIFICIAL BEING, INVISIBLE, INTANGIBLE, AND EXISTING ONLY IN CONTEMPLATION OF LAW. IT POSSESSES ONLY THOSE PROPERTIES WHICH *the character of its creation confers upon it*, EITHER EXPRESSLY, OR AS INCIDENTAL TO ITS VERY EXISTENCE. ...

155. 43. "BY THESE MEANS, A PERPETUAL SUCCESSION OF INDIVIDUALS ARE CAPABLE OF ACTING FOR THE PROMOTION OF THE PARTICULAR OBJECT, LIKE ONE IMMORTAL BEING. BUT THIS BEING DOES NOT SHARE IN THE CIVIL GOVERNMENT OF THE COUNTRY," AND:

156. 44. "A CORPORATION IS DEEMED A CITIZEN ONLY OF THE STATE IN WHICH IT WAS INCORPORATED."

157. 45. THIS NATIONAL CITIZENSHIP FOR CORPORATIONS, IMMORTAL BEINGS CREATED BY FALLEN MORTAL MEN, PERSONIFIED AS HAVING EQUAL RIGHTS WITH NATURAL PERSONS, CREATES AN UNNATURAL POLITICAL DYNAMIC. JAMES MADISON ARTICULATES THIS EFFECT, WHERE MEMBERS OF A POLITICAL SOCIETY BEING A MINORITY, MAY, BY THEIR WEALTH, ROLE AS A MAJORITY. HE ALSO WARNS, THAT THOSE INFLUENCES TEND TO ACCOMPLISH A

TRANSMUTATION OF THE GOVERNMENT, REORGANIZING ITS POWERS AND ALTERING ITS STRUCTURE TO SERVE THEIR OWN ILLEGITIMATE ENDS.

158. 46. IN FEDERALIST NO. 43, PAR. 13, MADISON REFERS TO: "THE CAPRICE OF PARTICULAR STATES, BY THE AMBITION OF ENTERPRISING LEADERS, OR BY INTRIGUES OF FOREIGN POWERS". HE ALSO RECOGNIZES THE FACT, THAT, A "MINORITY OF CITIZENS MAY BECOME A MAJORITY OF PERSONS," HE SAYS:

159. 47. "IS IT TRUE THAT FORCE AND RIGHT ARE NECESSARILY ON THE SAME SIDE IN REPUBLICAN GOVERNMENTS? MAY NOT THE MINOR PARTY POSSESS SUCH A SUPERIORITY OF PECUNIARY RESOURCES, OF MILITARY TALENTS AND EXPERIENCE, OR OF SECRET SUCCORS FROM FOREIGN POWERS, AS WILL RENDER IT SUPERIOR ALSO IN AN APPEAL TO THE SWORD? MAY NOT A MORE COMPACT AND ADVANTAGEOUS POSITION TURN THE SCALE ON THE SAME SIDE, AGAINST A SUPERIOR NUMBER SO SITUATED AS TO BE LESS CAPABLE OF A PROMPT AND COLLECTED EXERTION OF ITS STRENGTH." [2] (SEE FEDERALIST NO. 43, PAR. 16).

160. 48. MADISON MAKES A SIMILAR OBSERVATION JUST TEN YEARS LATER THAT IS NOT RHETORICAL, BUT APPLIES TO ACTUAL EVENTS. HE PRODUCES ARGUMENTS IN OPPOSITION TO THE ALIEN AND SEDITION ACTS, DIRECTED TOWARDS A DENIAL OF SPECIFIC PRINCIPLES, THE CONTINUANCE OF WHICH WOULD LEAD TO THE POLITICAL ORGANIZATION THAT FOSTERS THE ABUSIVE DISPOSITION THAT IS MEANT TO BE AVOIDED. MADISON WRITES FOR THE VIRGINIA ASSEMBLY, THE FOLLOWING:

161. 49. "IF THE DELIBERATE EXERCISE OF DANGEROUS POWERS, PALPABLY WITHHELD BY THE CONSTITUTION, COULD NOT JUSTIFY THE PARTIES TO IT IN INTERPOSING EVEN SO FAR AS TO ARREST THE PROGRESS OF THE EVIL, AND THEREBY TO PRESERVE THE CONSTITUTION ITSELF, AS WELL AS TO PROVIDE FOR THE SAFETY OF

F.R.E.
2 } FOR THIS REASON ALONE, A CORPORATION, AN IMMORTAL BEING CANNOT BE A RECIPIENT OF GOD GIVEN RIGHTS, NATURAL PERSONS WHO ARE CREATED EQUAL ARE SEPERATED ...

"THE PARTIES TO IT, THERE WOULD BE AN END TO ALL RELIEF FROM USURPED POWERS, AND A DIRECT SUBVERSION OF THE RIGHTS SPECIFIED OR RECOGNIZED UNDER ALL THE STATE CONSTITUTIONS, AS WELL AS A PLAIN DENIAL OF THE FUNDAMENTAL PRINCIPLE ON WHICH OUR INDEPENDENCE WAS DECLARED."

162. 50. WHERE MADISON IN FEDERALIST NO. 43, *January 23, 1788* PRESENTS HYPOTHETICALS, IN HIS REPORT ON THE ALIEN AND SEDITION ACTS A DECADE LATER, HE IS LIFTING UP A FUNCTIONAL MODE OF EFFECTUATING AN END RESULT THROUGH CONSTITUTIONAL RESISTANCE TO UNCONSTITUTIONAL USURPATION BY THE CENTRAL AUTHORITY. IT IS A METHOD OF RESISTANCE RESERVED TO THE STATES EXPRESSLY; WITH FIRMNESS OF PURPOSE MADE PROVISIONAL. ALEXANDER HAMILTON REFERS TO THIS DISPOSITION IN FEDERALIST NO. 28, PAR. 10, HE WRITES:

163. 51. "WHEN WILL THE TIME ARRIVE THAT THE FEDERAL GOVERNMENT CAN RAISE AND MAINTAIN AN ARMY CAPABLE OF EFFECTING A DESPOTISM OVER THE GREAT BODY OF THE PEOPLE OF AN IMMENSE EMPIRE, WHO ARE IN A SITUATION, THROUGH THE MEDIUM OF THEIR STATE GOVERNMENTS, TO TAKE MEASURES FOR THEIR OWN DEFENCE, WITH ALL THE CELERITY, REGULARITY, AND SYSTEM OF INDEPENDENT NATIONS?"

164. 52. HERE WE SEE THE CONNECTION TO TIME AND CONDITIONS, A NEXUS GIVEN RESPONSIBILITY BY MEANS OF A PERFORMANCE STANDARD THAT IS PART OF THE OPERATIONAL EXPECTATIONS FURNISHED BY THE COMPOSITION AND STRUCTURE OF THE GOVERNMENT; WHERE THE PRESERVATION OF THE SYSTEM, *i.e.*, THE CHECKS AND BALANCES REST WITHIN THE PUBLIC SPIRIT, AND THE PERIODICAL NECESSITY TO ALTER OR ABOLISH THE ESTABLISHED FORMS. MADISON WRITES:

165. 53. "NO MAN WILL SUBJECT HIMSELF TO THE RIDICULE OF PRETENDING THAT ANY

F.N.:
2) ... IN THEIR POLITICAL DISTINCTION / VULNERABLE TO THAT VERY NOBLE CLASS.

"NATURAL CONNECTION SUBSIST BETWEEN THE SUN OR THE SEASONS, AND THE PERIOD WITHIN WHICH HUMAN VIRTUE CAN BEAR THE TEMPTATIONS OF POWER. HAPPILY FOR MANKIND, LIBERTY IS NOT, IN THIS RESPECT, CONFINED TO ANY SINGLE POINT OF TIME; BUT LIES WITHIN EXTREMES, WHICH AFFORD SUFFICIENT LATITUDE FOR ALL THE VARIATIONS WHICH MAY BE REQUIRED BY THE VARIOUS SITUATIONS AND CIRCUMSTANCES OF CIVIL SOCIETY."

166. 54. SO IT IS CLEAR, THE FRAMERS OF THE AMERICAN CONSTITUTION SAW THE NEED TO ESTABLISH A MEDIUM THROUGH THE STATE GOVERNMENTS, "TO TAKE MEASURES FOR THEIR OWN DEFENCE," AS IF ACTING AS INDEPENDENT NATIONS, BUT ONLY IF SPECIFIC CONDITIONS ARE MET; AND, THE DISCRETION FOR SUCH EXTREMES REST WITH THE PEOPLE OF EACH STATE, ACTING AS SOVEREIGN PARTIES WHERE PROTECTION IS PROVIDED WITHIN THE BALANCE OF EACH SCALE. HAMILTON PROMOTES THIS IN FEDERALIST NO. 28, PAR. 7, HE SAYS:

167. 55. "POWER BEING ALMOST ALWAYS THE RIVAL OF POWER, THE GENERAL GOVERNMENT WILL AT ALL TIMES STAND READY TO CHECK THE USURPATIONS OF THE STATE GOVERNMENTS, AND THESE WILL HAVE THE SAME DISPOSITION TOWARDS THE GENERAL GOVERNMENT. THE PEOPLE, BY THROWING THEMSELVES INTO EITHER SCALE, WILL INFALLIBLY MAKE IT PREPONDERATE. IF THEIR RIGHTS ARE INVADED BY EITHER, THEY CAN MAKE USE OF THE OTHER AS THE INSTRUMENT OF REDRESS. HOW WISE WILL IT BE IN THEM BY CHERISHING THE UNION TO PRESERVE TO THEMSELVES AN ADVANTAGE WHICH CAN NEVER BE TOO HIGHLY PRIZED!

168. 56. IT IS THAT SYSTEM, REFERRED TO IN SUCH TERMS, AS BIFURCATED, WHERE MADISON CHARACTERIZES CORPORATIONS, OR TO SAY, THOSE POSSESSED OF "SUCH SUPERIORITY OF PECUNIARY RESOURCES," ENJOYING "A MORE COMPACT AND ADVANTAGEOUS POSITION [TO]

~~PG. 52~~

"TURN THE SCALE ON THE SAME SIDE," OR MORE ACCURATELY STATED FOR THIS PRESENT TIME - TO TURN THE SCALE (OR FORCE OF GOVERNMENT) TO THEIR SIDE. (SEE *supra* AT 14, FEDERALIST NO. 43, PAR. 16).

WHAT IS SIGNIFICANT TO THE UNITED NATIONS SECURITY COUNCIL, IS THE EFFECT THIS GLOBAL FORCE HAS HAD ON THE PEOPLE OF EACH NATION; AND FOR THE PEOPLE OF THE UNITED STATES, BEING AS THE FRAMERS OF THE AMERICAN CONSTITUTION CONCEIVED, BEACONS OF LIGHT, TO ACT AS FORERUNNERS IN THE CAUSE OF LIBERTY. A SYSTEM WAS FASHIONED, WOVEN INTO THE FABRIC OF THE UNITED STATE CONSTITUTION AS THE SUPREME LAW OF THE LAND, THAT ROLE HAS BEEN OVERTHROWN[1].

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169. - PLAINTIFF CEASES IN HIS CITATION TO THE UNITED NATIONS SECURITY COUNCIL -

TO THE PEOPLE OF THE UNITED STATES:

170. TODAY, THOSE INDIVIDUALS ENGAGING IN RESISTANCE TO TYRANNY, TO THAT "DESIGN EVINCED TO REDUCE THEM TO DESPOTISM,"[44] THE GOVERNMENT OF THE UNITED STATES CHARACTERIZES AS DOMESTIC TERRORIST. HOWEVER, YOUR FOREFATHERS, THOSE GUIDING LIGHTS OF LIBERTY VIEWED US IN A VERY DIFFERENT RESPECT; AS REVOLUTIONARIES, THEY CREATED FOR THE PEOPLE OF THE UNITED STATES, A SYSTEM THAT WOULD LAST THROUGHOUT THE AGES, ONE THAT ACTUALLY ACCOMMODATES FOR THE CONCEPTION AND EVOLVEMENT OF POLITICAL RESISTANCE.

F.N.*

44) SEE DECLARATION OF INDEPENDENCE.

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171. THEY VIEWED THE ENTIRE PREMISE AS A HEALTHY PRODIGY, ONE TO BE NURTURED, AND ON A CASE BY CASE BASIS, WITHIN COMMON LAW BOUNDARIES, TO CASES "ARISING UNDER THIS CONSTITUTION," AS POTENTIALLY BEING, A DEVELOPMENT OF A PATRIOTIC NATURE. THE FRAMERS CALLED REBELLION AND "UNAVOIDABLE OFFSPRING OF REPUBLICAN GOVERNMENT," WHEREIN, IF THE DEFENDANT'S ACTIONS ARE JUSTIFIED, IF HE IS DEEMED TO BE RIGHT BY A JURY OF HIS PEERS, OR THE RESISTANCE NATURALLY REACHES ITS FULL MEASURE OF SUCCESS, THE EVENT WOULD BEAR ALL THOSE CONTOURS OF A HEROIC CONFIGURATION, IN THE SAME MANNER AS THE SPIRIT OF 1776. THOMAS JEFFERSON CONFIRMS THIS SAYING:

172. "I HOLD IT THAT A LITTLE REBELLION NOW AND THEN IS A GOOD THING, AND AS NECESSARY IN THE POLITICAL WORLD AS STORMS IN THE PHYSICAL." *Jefferson to Madison*, JAN. 30, 1787.

173. HOWEVER, IT IS NOT TO SAY THAT JEFFERSON OR THE FOUNDING GENERATION PROMOTES THE ISOLATED ACTIONS BY INDIVIDUALS, SUCH AS TIMOTHY MCVEIGH,

F.69

[45] SEE ARTICLE III, SECTION 2, CLAUSE 1.

BUT RATHER, TO THE CONTRARY, THEY FORMULATED A SYSTEM MADE MANIFEST BY THE CONSTITUTION, LAYING THE BURDEN OF RESISTANCE TO OPPRESSION UPON THE STATE GOVERNMENTS. MOREOVER, A CONSTRUCT IS ESTABLISHED WITHIN THE TEXT, OPERATING WITHIN THE SPHERE OF EACH SOVEREIGN REPUBLIC.

174. THIS CONSTITUTIONAL DISPOSITION BEARS TWO DEFINING CHARACTERISTICS ALREADY ALLUDED TO, I.E., THE "COERCION OF LAWS", AND THE "COERCION OF ARMS" DYNAMIC MADE PROVISIONAL. WHAT IS FIRST AND FOREMOST IS THE STRUCTURE OF THE SYSTEM DESIGNED TO PROTECT POLITICAL ACTORS, WHAT HAMILTON REFERS TO AS "THE BILL OF RIGHTS OF THE UNION."[46] THESE PROVISIONS LIE WITHIN THE MAIN BODY, THIS SELF CONTAINED BILL OF RIGHTS IS DELINEATED BY HAMILTON IN FEDERALIST NO. 84, PAR. 4, HE WRITES:

175. "INDEPENDENT OF THOSE [PROVISIONS] WHICH RELATE TO THE STRUCTURE OF THE GOVERNMENT, WE FIND THE FOLLOWING:

F.N.*
46) SEE FEDERALIST NO. 84, PAR. 11.

* ARTICLE 1, SECTION 3, CLAUSE 7 — 'JUDGMENT IN CASES OF IMPEACHMENT SHALL NOT EXTEND FURTHER THAN TO REMOVAL FROM OFFICE, AND DISQUALIFICATION TO HOLD AND ENJOY ANY OFFICE OF HONOR, TRUST, OR PROFIT UNDER THE UNITED STATES; BUT THE PARTY CONVICTED SHALL, NEVERTHELESS, BE LIABLE AND SUBJECT TO INDICTMENT, TRIAL, JUDGMENT AND PUNISHMENT ACCORDING TO LAW.' SECTION 9, OF THE SAME ARTICLE, CLAUSE 2 — 'THE PRIVELEGE OF THE WRIT OF *habeas corpus* SHALL NOT BE SUSPENDED, UNLESS WHEN IN CASES OF REBELLION OR INVASION THE PUBLIC SAFETY MAY REQUIRE IT.' CLAUSE 3 — 'NO BILL OF ATTAINDER OR *ex-post-facto* LAWS SHALL BE PASSED.' CLAUSE 7 — 'NO TITLE OF NOBILITY SHALL BE GRANTED BY THE UNITED STATES; AND NO PERSON HOLDING ANY OFFICE OF PROFIT OR TRUST UNDER THEM, SHALL, WITHOUT THE CONSENT OF CONGRESS, ACCEPT OF ANY PRESENT, EMOLUMENT, OFFICE, OR TITLE OF ANY KIND WHATEVER, FROM ANY KING, PRINCE, OR FOREIGN STATE.' ARTICLE 3, SECTION 2, CLAUSE 3 — 'THE TRIAL OF ALL CRIMES, EXCEPT IN CASES OF IMPEACHMENT, SHALL BE BY JURY; AND SUCH TRIAL SHALL BE HELD IN THE STATE WHERE THE SAID CRIMES SHALL HAVE BEEN COMMITTED; BUT WHEN NOT COMMITTED WITHIN ANY STATE, THE TRIAL SHALL BE AT SUCH PLACE OR PLACES AS THE CONGRESS MAY BY LAW HAVE DIRECTED.' SECTION 3, OF THE SAME ARTICLE — 'TREASON AGAINST THE UNITED STATES SHALL CONSIST ONLY IN LEVYING WAR AGAINST AGAINST THEM, OR IN ADHERING TO THEIR ENEMIES, GIVING THEM AID AND COMFORT. NO PERSON SHALL BE CONVICTED OF TREASON, UNLESS ON THE TESTIMONY OF TWO WITNESSES TO THE SAME OVERT ACT, OR ON CONFESSION IN OPEN COURT.' AND CLAUSE 3, OF THE SAME SECTION — 'THE CONGRESS SHALL HAVE POWER TO DECLARE THE PUNISHMENT OF TREASON; BUT NO ATTAINDER OF TREASON SHALL WORK CORRUPTION OF BLOOD, OR FORFEITURE, EXCEPT DURING THE LIFE OF THE PERSON ATTAINTED.' #

176. THIS LIST OF PROVISIONS, "INDEPENDENT OF THOSE WHICH RELATE TO THE STRUCTURE OF THE GOVERNMENT,"[47] MADISON ALLUDES TO WHEN HE PROCLAIMS TO THE 1ST CONGRESS HIS INTENT TO PROPOSE A BILL OF RIGHTS, THAT HE DID NOT WANT "TO INJURE THE CONSTITUTION"[48] WITH AMENDMENTS THAT WOULD ALTER ITS STRUCTURE. IT IS OBVIOUS, WHEN MADISON AND HAMILTON'S COMMENTS AND CONCERNS ARE SHOWN TO BE ANALOGOUS (*infra* at 32, PAR. 57) THAT THE INTENT TO AVOID INJURY TO THE COMPOSITION AND STRUCTURE OF THE MAIN BODY, BY THE SELECTIVE PROVISIONS PROPOSED AS A BILL OF RIGHTS, THAT THE UNAMENDED CONSTITUTION IN ITS PEREMPTORY WHOLE, BEARS THE SAME OBJECTIVE AS THAT SOUGHT FOR WITHIN THE INITIAL PROHIBITIVE NATURE OF THE FIRST TEN AMENDMENTS.

177. FOR THAT REASON THE UTILIZATION OF THE 14TH AMENDMENT BY THE UNITED STATES SUPREME COURT IS UNCONSTITUTIONAL, BECAUSE IT ALTERS THE SYSTEM FORMULATED TO OPERATE AS A CHECK UPON THE CENTRAL AUTHORITY. SO WE

E.D.S.

47) SEE FEDERALIST NO. 84, PAR. 4. /48) SEE MADISON'S PROPOSAL FOR A BILL OF RIGHTS, JUNE 08, 1789 TO THE 1ST CONGRESS.

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MUST EXAMINE THE FIRST ARTICLE LISTED BY HAMILTON (supra AT 54, PAR.)

I.E., ARTICLE 1, SECTION 3, CLAUSE 7, TO "JUDGMENT IN CASES OF IMPEACH-

MENT", AS BEING A LIMITATION ON THE CENTRAL POWERS TO REMOVAL

OF OFFICE ONLY, AS A NEGATIVE PREGNANT. IN OTHER WORDS, THE ASSOC-

IATION OF BOTH LOGIC AND COMMENTARY DEMANDS, THAT THE STATES AUTON-

OMOUS *pre-existing* CRIMINAL JURISDICTION IS THE PLATFORM OF SECURITY, I.E.,

THE LIMITATION, AND THE CORRELATIVE EXCEPTION, "ACCORDING TO LAW" DEPENDS

UPON, AS THE ONLY PROPER MODE OF PROCEEDING.

178. IT IS NOT MERE COINCIDENCE THAT THE PROHIBITIVE WRIT OF *habeas-corpus*

DIRECTLY FOLLOWS THIS RESTRICTIVE CLAUSE. ARTICLE 1, SECTION 9, CLAUSE 2 (supra AT ,)

WORKS IN CONJUNCTION WITH THESE RESERVED POWERS, AS ARTICULATED BY JAMES

MADISON JUNE 8, 1789 BEFORE THE 1ST CONGRESS, HE SAYS:

179. "I BELIEVE THE GREAT MASS OF THE PEOPLE WHO OPPOSED IT, [I.E., THE NEW

CONSTITUTION,)] DISLIKED IT BECAUSE IT DID NOT CONTAIN EFFECTUAL PROV-

ISIONS AGAINST THE ENCROACHMENTS ON PARTICULAR RIGHTS, AND TH-

OSE SAFEGUARDS THEY HAVE BEEN LONG ACCUSTOMED TO HAVE INTERPOSED

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"BETWEEN THEM AND THE MAGISTRATE WHO EXERCISES THE SOVEREIGN POWERS". (SUPRA AT 44, PAR.).

188. JOHN MARSHALL IN *Barron V. Baltimore*, 32. (1836), SAYS IT BEST: THAT THIS "MARKED LINE OF DISCRIMINATION BETWEEN THE LIMITATIONS IT IMPOSES ON THE POWERS OF THE GENERAL GOVERNMENT, AND ON THOSE OF THE STATE", IS INDEED A DIRECT EXPRESSION EXEMPLIFIED BY ARTICLE 1, SECTIONS 9 & 10, IT DEMONSTRATES A RESIDUAL POWER OF AN INDEPENDENT JURISDICTION AND DISCRETION, THAT IS MADE PROVISIONAL THROUGH ARTICLE VI, CLAUSE 2. IT IS BUTTRESSED BY MULTIPLE CORRESPONDING PROVISIONS IN THE CONSTITUTION AND THE BILL OF RIGHTS, TO INCLUDE THE EIGHTH ARTICLE OF AMENDMENT.

189. THOMAS JEFFERSON, IN 1798, WRITING FOR THE KENTUCKY STATE LEGISLATURE, SPEAKS TO THIS RESERVED POWER DESIGNED TO PROTECT POLITICAL ACTORS AND THOSE CITIZENS WHO MIGHT ENGAGE IN LEGITIMATE RESISTANCE AGAINST USURPATIONS BY THE CENTRAL POWERS. HE TALKS ABOUT A DUTY THAT LIES WITHIN THE STATES AS PARTIES TO THE CONSTITUTIONAL COMPACT,

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IN RESISTANCE TO THE ALIEN AND SEDITION ACTS, IN THE FORM OF THE KENTUCKY RESOLUTIONS, JEFFERSON DECLARES:

182. "THIS COMMONWEALTH, FROM MOTIVES OF REGARD AND RESPECT FOR ITS CO-STATES, HAS WISHED TO COMMUNICATE WITH THEM ON THE SUBJECT; THAT WITH THEM ALONE IT IS PROPER TO COMMUNICATE, THEY ALONE BEING PARTIES TO THE COMPACT, & SOLELY AUTHORIZED TO JUDGE IN THE LAST RESORT OF THE POWERS EXERCISED UNDER IT, CONGRESS BEING NOT A PARTY, BUT MERELY THE CREATURE OF THE COMPACT, & SUBJECT, AS TO ITS ASSUMPTIONS OF POWER, TO THE FINAL JUDGMENT OF THOSE BY WHOM, & FOR WHOSE USE, ITSELF, & ITS POWERS, WERE ALL CREATED & MODIFIED; THAT IF THE ACTS BEFORE SPECIFIED SHOULD STAND, THESE CONCLUSIONS SHOULD FLOW FROM THEM; THAT THE GENERAL GOVERNMENT MAY PLACE ANY ACT THEY THINK PROPER ON THE LIST OF CRIMES, & PUNISH IT THEMSELVES, WHETHER ENUMERATED OR NOT ENUMERATED TO THEM BY THE CONSTITUTION AS COGNISABLE BY THEM; THAT THEY MAY TRANSFER ITS COGNISANCE TO THE PRESIDENT, OR ANY OTHER PERSON, WHO MAY HIMSELF BE THE ACCUSER, COUNSEL, JUDGE & JURY, WHOSE *suspicions* MAY BE THE EVIDENCE, HIS OFFICER THE EXECUTIONER, & HIS BREAST THE SOLE RECORD (OF) THE TRANSACTION." (EMPHASIS WAIVED).

183. THIS STATEMENT COMBINED WITH HAMILTON'S COMMENTS TO THE NEW YORK RATIFYING CONVENTION, WHERE HE RELIES ON THE PRESUMPTION:

184. "WERE THE LAWS OF THE UNION TO NEW MODEL THE INTERNAL POLICE

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"OF ANY STATE; WERE THEY TO ALTER, OR ABROGATE AT A BLOW, THE WHOLE OF ITS CIVIL AND CRIMINAL INSTITUTIONS; WERE THEY TO PENETRATE THE RECESSES OF DOMESTIC LIFE, AND CONTROUL, IN ALL RESPECTS, THE PRIVATE CONDUCT OF INDIVIDUALS, THERE MIGHT BE MORE FORCE IN THE OBJECTION: AND THE SAME CONSTITUTION, WHICH WAS HAPPILY CALCULATED FOR ONE STATE, MIGHT SACRIFICE THE WELFARE OF ANOTHER." SOLIDIFIES THE AFORESAID INTENT!

185. IT IS AMAZING, HOW CLEARLY THESE MEN SAW THE POLITICAL SPECTRUM, AND HOW EFFICIENTLY THEY PROVIDE A PROCEDURAL REMEDY, WHERE THE ONLY PERCEIVABLE FLAW IS SLAVERY, AND THE COMPROMISE OF INEQUALITY AMONG INDIVIDUALS. YET, EVEN AFTER A CIVIL WAR SURROUNDING THAT SINGULAR ISSUE TAKES PLACE, AS THE PLAINTIFF WRITES THIS AMENDED COMPLAINT, CITIES ACROSS AMERICA ARE IN FLAMES AMIDST CIVIL DISOBEDIENCE BROUGHT ON BY GOVERNMENTAL ABUSES AND NEGLECT. AT THE HEART OF THESE ACTS OF DESPOTISM LIES THE EXALTATION OF THE RICHES MEN IN THE WORLD, LIFTING THEM UP BEYOND THE ORDINARY STATION OF "CITIZENS OF THE UNITED STATES", OR "CITIZENS IN THE SEVERAL STATES", BEING VIEWED AS "CITIZENS

F.O. & SEE THE 14TH AMENDMENT.

"OF EACH STATE". (SEE ARTICLE IV, SECTIONS 1 & 2).

186. THE IMMORTAL BEINGS CREATED BY THE UNITED STATES SUPREME COURT, BEING GIVEN PROTECTIONS UNDER THE AUSPICES OF THE FIRST AMENDMENT,[49] A POLITICAL FAVORTISM CHARACTERIZED BY THE CONSTITUTION AS A TITLE OF NOBILITY, IS AT LAST PLAINLY PLACED UPON THE TABLE ALONGSIDE THE MISSOMER - "TOO BIG TO FAIL". NOW, AFTER ALL THE VARIOUS PIECES OF THE PUZZLE HAVE BEEN CAREFULLY PUT IN PLACE, THE STAGE IS SET FOR THE DIMINISHING OF AMERICAN STRENGTH, AND SUBSEQUENT, OR SIMULTANEOUS RISE OF CHINA.[50] IN THE SAME MANNER AS MADISON JUSTIFIES THE RESISTANCE OF 1798, THE RESPONSIBILITY OF THE STATES, TO PRESERVE THE CONSTITUTION, BY ALTERING, OR IF NEED BE, "TO THROW OFF SUCH GOVERNMENT",[51] IS BEFORE THEM WITH A MUCH GREATER SENSE OF URGENCY. MADISON SPEAKS FOR THIS TIME, SAYING:

187. "A FAIR COMPARISON OF THE POLITICAL DOCTRINES NOT UNFREQUENT AT

END.

49) SEE Citizens United V. Federal Election Commission. 50) THIS IS A CONSPIRACY OF GREAT MAGNITUDE THAT IS CLEARLY VISIBLE WITHIN THE ANNALS OF AMERICAN HISTORY. 51) DECLARATION OF INDEPENDENCE - 1776, JULY 4.

"THE PRESENT DAY, with those which characterized the epoch of our revolution, AND WHICH FORM THE BASIS OF OUR REPUBLICAN CONSTITUTIONS, WILL BEST DETERMINE WHETHER THE DECLATORY RECURRENCE HERE MADE TO THOSE PRINCIPLES OUGHT TO BE VIEWED AS SEASONABLE AND PROPER, OR AS A VIGILANT DISCHARGE OF AN IMPORTANT DUTY." [52]

188. WHAT WE SEE PRESENTLY, IS THE NEED FOR THE RECOGNITION OF THE PRINCIPLES OF ACTION NECESSARY WITHIN THE STATE GOVERNMENTS, EQUAL TO THAT RESISTANCE AGAINST THE CENTRAL POWERS IN 1798. THE PEOPLE OF AMERICA WERE ABLE TO THROW THEIR WEIGHT INTO THE SIDE OF THE SCALES IN WHICH THE STATES POSSESSED THE WHEREWITHAL AND THE FORTITUDE, i.e., THE CONSTITUTIONAL RESOURCES TO SUBDUE THE USURPATION. THE LONE WOLF IS A DELIBERATE CLASSIFICATION CREATED BY THE SAME POLITICAL ACTORS, TO WHOM, WHEN THE ABUSE AND DESOLATION CAUSED BY THEM LEADS TO A COALESCING UNITY AMONG SOCIETY, THE REMEDIAL METHODOLOGY DIRECTS THE ABUSED BACK INTO THE HANDS OF THE ABUSER. IN FEDERALIST 49, PAR. 9 MADISON CONFIRMS THIS SAYING:

F.N. *

52) SEE MADISON'S REPORT ON THE ALIEN AND SEDITION ACTS.

"THE CONVENTION, [OR COURT, COMMITTEE, OR COUNCIL,] IN SHORT, WOULD BE COMPOSED CHIEFLY OF MEN [AND WOMEN] WHO HAD BEEN, WHO ACTUALLY WERE, OR WHO EXPECTED TO BE, MEMBERS OF THE DEPARTMENT WHOSE CONDUCT WAS ARRAIGNED."

189. MADISON CONCLUDES IN FEDERALIST NO. 51 WITH ARGUMENTS EMENATING OUT OF THE CONSTITUTIONAL TEXT, THAT THE ONLY REMEDY LIES WITHIN "A JUDICIOUS MODIFICATION AND MIXTURE OF THE *federalist principle.*" IN FEDERALIST NO. 53, PAR. 1, HE LAYS THIS BURDEN UPON THE COLLECTIVE STATES AS INDEPENDENT REPUBLICS, HE SAYS:

190. "NO MAN WILL SUBJECT HIMSELF TO THE RIDICULE OF PRETENDING THAT ANY NATURAL CONNECTION SUBSIST BETWEEN THE SUN OR THE SEASONS, AND THE PERIOD WITHIN WHICH HUMAN VIRTUE CAN BEAR THE TEMPTATIONS OF POWER." WE KNOW THAT NO SUCH VIRTUE EXIST TODAY, MADISON CONTINUES:

191. "HAPPILY FOR MANKIND, LIBERTY IS NOT, IN THIS RESPECT, CONFINED TO ANY SINGLE POINT OF TIME: BUT LIES WITHIN EXTREMES, WHICH AFFORD SUFFICIENT LATITUDE FOR ALL THE VARIATIONS WHICH MAY BE REQUIRED BY THE VARIOUS SITUATIONS AND CIRCUMSTANCES OF CIVIL SOCIETY."

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192. SO IT IS CLEAR, THAT THE CONSTITUTION LAYS THE OBLIGATION UPON THE STATE GOVERNMENTS AND COURTS, TO PROTECT THEIR OWN CITIZENS FROM THE VERY ENCROACHMENTS AND ABUSES THAT PERMEATE OUR SOCIETY CAUSED BY THE CENTRAL AUTHORITY. THE RESISTANCE OF THE INDIVIDUAL, OR GROUP OF INDIVIDUALS, IS FUTILE.

193. IT IS WORTH REPEATING HERE, MADISON STATES:

194. "IF THE DELIBERATE EXERCISE OF DANGEROUS POWERS, PALPABLY WITHHELD BY THE CONSTITUTION, COULD NOT JUSTIFY THE PARTIES TO IT IN INTERPOSING, EVEN SO FAR AS TO ARREST THE PROGRESS OF THE EVIL, AND THEREBY TO PRESERVE THE CONSTITUTION ITSELF, AS WELL AS TO PROVIDE FOR THE SAFETY OF THE PARTIES TO IT, THERE WOULD BE AN END TO ALL RELIEF FROM USURPED POWER, AND A DIRECT SUBVERSION OF THE RIGHTS SPECIFIED OR RECOGNIZED UNDER ALL THE STATE CONSTITUTIONS, AS WELL AS A PLAIN DENIAL OF THE FUNDAMENTAL PRINCIPLE UPON WHICH OUR INDEPENDENCE ITSELF WAS DECLARED." (MADISONS REPORT ON THE ALIEN AND SEDITION ACTS).

195. THE RESISTANCE THAT IS BEING DISPLAYED TODAY WILL BE PASSIFIED BY THE SAME PROMISES OF 1867 AND 1966. THIS IS A MOMENT IN TIME, ORGANIZED REBELLION HAS COME OF AGE. THE PROTESTERS, WITHOUT ANY

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PRACTICAL MEANS OR FUNCTIONAL AGENCY, HE HAS BEEN ABANDONED, AS HAMILTON SAYS: "IN HIS COURAGE AND DISPAIR," UNABLE TO DEPEND UPON THOSE WHOSE DUTY IT IS - "TO PROVIDE FOR THE SAFETY OF THE PARTIES"; AND THEREFORE, THERE APPEARS TO BE, "AN END TO ALL RELIEF FROM USURPED POWER[S]" OF THE CENTRAL AUTHORITY. THE PATRIOT HAS BEEN REDEFINED AS A LONE WOLF. IN HIS CERTIORARI PETITION TO THE U.S. SUPREME COURT, IN *Ivy V. Oklahoma Dept. of Corrections*, 19-5942, THE PLAINTIFF WRITES:

196. "THE TRUTH, ONCE HEARD, SO QUICKLY ANIMATES THE VIVACIOUS REALITY AS THAT DESCRIBED BY JEFFERSON, HE SAYS: 'IF ONCE THEY BECOME INATTENTIVE TO THE [ACTUAL] PUBLIC AFFAIRS, YOU AND I AND CONGRESS AND ASSEMBLIES, JUDGES AND GOVERNORS, SHALL BECOME WOLVES. IT SEEMS TO BE THE LAW OF OUR GENERAL NATURE, IN SPITE OF INDIVIDUAL EXCEPTIONS; AND EXPERIENCE DECLARES THAT MAN IS THE ONLY ANIMAL WHICH DEVOURS HIS OWN KIND, FOR I CAN APPLY NO MILDER TERMS TO THE GOVERNMENTS OF EUROPE AND TO THE GENERAL PREY OF THE RICH ON THE POOR.'" (*Jefferson to Carrington*, JAN. 16, 1787).

"THIS GOVERNMENT TO THE CONTRARY TURN THE TABLES, HAVING ONCE SCATTERED THE FLOCK, THROUGH STRIKING THE SUBORDINATE GOVERNMENTS AT THE HEART, REMOVING THEIR POWERS OF POLICE OVER THEIR

"CORPORATIONS, FORCIBLY ABDICATING THE PROPERTY INTEREST TO A MODERN DAY NOBILITY, SUBSEQUENTLY RECONSTITUTING THE REPUBLICAN GOVERNMENTS OF THE SEVERAL STATES, REDUCING THEM TO INCORPORATED SERVANTS; THE LONE WOLF EMERGES, AS CHARACTERIZED BY HAMILTON IN FEDERALIST # 28, PARAGRAPH 6, HE WRITES:

"IN A SINGLE STATE, [LIKE THAT WHICH EXIST IN THE UNITED STATES PRESENTLY,] IF THE PERSONS INTRUSTED WITH SUPREME POWER BECOME USURPERS, THE DIFFERENT PARCELS, SUBDIVISIONS, OR DISTRICTS OF WHICH IT CONSIST, HAVING NO DISTINCT GOVERNMENT IN EACH, CAN TAKE NO REGULAR MEASURES FOR DEFENCE. THE CITIZENS MUST RUSH TUMULTUOUSLY TO ARMS, WITHOUT CONCERT, WITHOUT SYSTEM, WITHOUT RESOURCE; EXCEPT IN THEIR COURAGE AND DISPAIR."

197. "YET, NOTWITHSTANDING THIS HERITAGE, THE CURRENT GOVERNMENT OF THE UNITED STATES, AFTER STRIPPING THE STATES OF EVERY VESTIGE OF FEDERAL POWER; FROM THEIR POWERS OF POLICE OVER THEIR CORPORATIONS; FROM THEIR EFFECTUAL INFLUENCE OVER ELECTORS OF THE PRESIDENT OF THE UNITED STATES; FROM THEIR APPOINTMENT OF UNITED STATES SENATORS; FROM THE CENSUS REQUIRMENT OVER A [DIRECT] TAX ON INDIVIDUALS; FROM THEIR EFFECTUAL SECURITY OF MILITIAS, TO THE COMPLETE OPPOSITE SIDE OF THE SCALES. THEREFORE WHEN HAMILTON SAYS:

198. "THE PEOPLE, [IN SUCH A GOVERNMENT AS THAT REPORTED BY THE CONVENTION,] WITHOUT EXAGERATION, MAY BE SAID TO BE ENTIRELY THE MASTERS OF THEIR OWN FATE. POWER BEING ALMOST ALWAYS THE RIVAL OF POWER. THE GENERAL GOVERNMENT WILL AT ALL TIMES STAND READY TO CHECK THE USURPATIONS OF THE STATE GOVERNMENTS, AND THESE WILL HAVE THE SAME DISPOSITION TOWARDS THE GENERAL GOVERNMENT. THE PEOPLE, BY THROWING THEMSELVES INTO EITHER SCALE, WILL INFALLIBLY MAKE IT PREPONDERATE. IF THEIR RIGHTS ARE INVADED BY EITHER, THEY CAN MAKE USE OF THE OTHER

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"AS THE INSTRUMENTS OF REDRESS. HOW WISE IT WILL BE IN THEM BY CHERISHING THE UNION TO PRESERVE TO THEMSELVES AN ADVANTAGE THAT CAN NEVER BE TOO HIGHLY PRIZED."

199. IT IS EASY TO SEE THE DESIGN INTENDED AND ACCEPTED BY THE PEOPLE THROUGH STATE RATIFYING CONVENTIONS. AS STATED ABOVE, (SUPRA AT , PAR.) MADISON CONFIRMS THE CONCEPT OF DUTY BEYOND THE ERROR OF POORLY FRAMED LAWS AND PRECEDENT, THAT "FORMS OUGHT TO GIVE WAY TO SUBSTANCE;" HE SAYS:

200. "THAT A RIGID ADHERENCE IN SUCH CASES TO THE FORMER, WOULD RENDER NOMINAL AND NUGATORY THE TRANSCENDENT AND PRECIOUS RIGHT OF THE PEOPLE TO 'ABOLISH OR ALTER THEIR GOVERNMENTS AS TO THEM SHALL SEEM MOST LIKELY TO EFFECT THEIR SAFETY AND HAPPINESS,' SINCE IT IS IMPOSSIBLE FOR THE PEOPLE SPONTANEOUSLY AND UNIVERSALLY TO MOVE IN CONCERT TOWARDS THEIR OBJECT[53]". (EMPHASIS ADDED).

201. ALL ACROSS AMERICA WE SEE THE PEOPLE, "IN THEIR COURAGE AND DISPAIR", SEEKING JUST SUCH A REMEDY: "TO 'ABOLISH OR ALTER THEIR GOVERNMENTS AS TO THEM SHALL SEEM MOST LIKELY TO EFFECT THEIR SAFETY AND HAPPINESS". IN THEIR DISPAIR, THEY BURN BUILDINGS AND POLICE CARS, FRUSTRATED THAT THEIR GOVERNMENT ACTS IN THE SAME MANNER AS

F.N.# 53 IT IS CLEAR TO SEE, THE NEGLECT OF THIS SACRED DUTY CREATES THE LONE WOLF

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TYRANTS IN THE PAST, YET THEY HAVE NOWHERE TO TURN. MADISON REFLECTS ON A SIMILAR CONDITION, SAYING:

202. "THEY MUST HAVE RECOLLECTED THAT IT WAS BY THIS IRREGULAR AND ASSUMED PRIVELEGE OF PROPOSING TO THE PEOPLE PLANS FOR THEIR SAFETY AND HAPPINESS, THAT THE STATES WERE FIRST UNITED AGAINST THE DANGER WITH WHICH THEY WERE THREATENED BY THEIR ANCIENT GOVERNMENT; THAT COMMITTEES AND CONGRESSES WERE FORMED FOR CONCENTRATING THEIR EFFORTS AND DEFENDING THEIR RIGHTS; AND THAT *conventions* WERE *elected* IN *the several states* FOR ESTABLISHING THE CONSTITUTIONS UNDER WHICH THEY ARE NOW GOVERNED". (EMPHASIS ADDED).

203. SO IT IS CLEAR, THE EXERCISE OF CONSTRUCTING A CONSTITUTION THAT IN SUBSTANCE EXCEEDS THE AUTHORITY DELEGATED BY THE STATE LEGISLATURES UNDER THE ARTICLES OF CONFEDERATION; IS A RESERVED POWER RECOGNIZED BY THE TENTH ARTICLE OF AMENDMENT, FUNCTIONING WITHIN THAT "MARKED LINE OF DISCRIMINATION BETWEEN THE POWERS DELEGATED TO THE CENTRAL GOVERNMENT, AND THOSE OF THE STATES", GIVEN TO THE PEOPLE IN THE LAST RESORT. IT IS NOW THAT THE PEOPLE MUST ACT UPON THAT RIGHT, AS IT IS THE PRESIDENT OF THE UNITED STATES, IN A SIMILAR FASHION AS THE

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EMPEROR OF CHINA OPPRESSES THE CITIZENS OF HONG KONG, DONALD TRUMP THREATENS THE USE OF MILITARY TROOPS OUTSIDE OF THE LIMITATIONS PUT FORTH IN THE CONSTITUTION TO SUBDUE DOMESTIC VIOLENCE. (SEE ARTICLE IV, SECTION 4).

204. THERE IS NO SUCH INSURRECTION UNDER WAY TO JUSTIFY SUCH A THREAT TOWARDS THE STATE GOVERNMENTS. WHEN THE EXECUTIVE POSITIONS HIMSELF IN SUCH A MANNER, A PRECEDENT IS SET THAT MUST BE ANSWERED IMMEDIATELY, STATE SOVEREIGNTY IS AT STAKE; AND IT IS TO THAT TYPE OF USURPATION THE EIGHT ARTICLE OF AMENDMENT WAS INTRODUCED, ASSISTED BY AUTONOMOUS CRIMINAL JURISDICTIONS, GIVING TO THE CITIZENS OF EACH STATE UNDER ARTICLE IV, CLAUSE 2, A CONSTITUTIONAL PROTECTION OF "THOSE SAFEGUARDS THEY HAVE BEEN LONG ACCUSTOMED TO... BETWEEN THEM AND THE MAGISTRATE WHO EXERCISES THE SOVEREIGN POWER".

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205. AS A PEOPLE, THE ENTIRE NATION AS A WHOLE SOCIETY, MUST REVISIT THE IDEOLOGY OF 1776 IN ITS PRACTICAL APPLICATION MADE CONSTITUTIONALLY PROVISIONAL. MADISON DECLARES:

206. "THE TRUTH IS, THAT THIS ULTIMATE REDRESS MAY BE MORE CONFIDED IN AGAINST UNCONSTITUTIONAL ACTS OF THE FEDERAL THAN OF THE STATE LEGISLATURES, FOR THIS PLAIN REASON, THAT AS EVERY SUCH ACT OF THE FORMER WILL BE AN INVASION OF THE RIGHTS OF THE LATTER, THESE WILL BE EVER READY TO MARK THE INNOVATION, to sound the alarm TO THE PEOPLE, AND TO EXERT THEIR LOCAL INFLUENCE IN EFFECTING A CHANGE OF FEDERAL REPRESENTATIVES."

207. THIS PROTECTION, IT IS CRITICAL TO NOTE, REFERS TO THE HOUSE OF REPRESENTATIVES ALONE, AS IT IS, THE CONSTITUTION REQUIRES THAT THE EXECUTIVE BE APPOINTED BY THE STATE LEGISLATURES THROUGH THEIR CHOSEN ELECTORS; AND THE ORIGINAL DESIGN DEMANDS THE APPOINTMENT OF U.S. SENATORS BY THE STATE LEGISLATURES DIRECTLY. THE ENTIRE SYSTEM HAS SYSTEMATICALLY BEEN ERADICATED, SO, THE PEOPLE "IN THEIR COURAGE AND DISPAIR," ARE RELEGATED TO PROTEST,

[2 EBBERT]

THE END RESULT OF WHICH FURTHER EXPANDS THE POWERS OF THE PRESIDENT AND THE CENTRAL GOVERNMENT.[54]

208. THEREFORE, IN UNITY, THE PEOPLE HAVE A RIGHT TO SAY, AT TRIAL IN A CRIMINAL CAUSE, AND TO INDEPENDENT COURTS, PROTECTED BY THE 8TH AMENDMENT, THE FOLLOWING PREMISE ACCOMPANIED WITH MATERIAL EVIDENCE:

209. "THAT WHENEVER ANY FORM OF GOVERNMENT BECOMES DESTRUCTIVE TO THESE ENDS, IT IS THE RIGHT OF THE PEOPLE TO ALTER OR TO ABOLISH IT, and to institute new Government, LAYING ITS FOUNDATION ON SUCH PRINCIPLES AND ORGANIZING ITS POWERS IN SUCH FORM, AS TO THEM SHALL SEEM MOST LIKELY TO EFFECT THEIR SAFETY AND HAPPINESS." (EMPHASIS ADDED).

210. OUTSIDE OF THIS LIBERAL PHILOSOPHY, THERE IS AN END TO ALL RELIEF FROM USURPED POWERS!

54) IN FEDERALIST NO. 49-51 MADISON ADDRESSES THIS NATURAL DILEMMA. HE SAYS: "THOSE LEADING CHARACTERS, ON WHOM EVERYTHING DEPENDS IN SUCH BODIES. THE CONVENTION, [OR OVERSIGHT COMMITTEES,] IN SHORT, WOULD BE COMPOSED CHIEFLY OF THE MEN WHO HAD BEEN,... MEMBERS OF THE DEPARTMENT WHOSE CONDUCT WAS ARRAIGNED." THAT PARTY AND PASSION, DEPENDENT ON PUBLIC FERVOR, REASON AND FACTS ARE LOST IN THE CHAOTIC PROCESS. THE FRAMERS REMEDIED THIS "BY A JUDICIOUS MODIFICATION AND MIXTURE OF THE *federal principle.*" THE CHECKS AND BALANCES FALL TO THE FIFTIES MADE PROVINCIAL AS A PART OF THE CONSTITUTION.

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CLOSING ARGUMENTS

211. IT IS CRITICAL TO ACKNOWLEDGE, THAT "A FAIR COMPARISON" OF THE GRIEVANCES RECORDED BY THE REVOLUTIONARY "PEOPLE OF THESE COLONIES," ARE IN SO MANY WAYS IDENTICAL, TO THE CIRCUMSTANCES THAT ARE SO COMPLICATED BY DISINFORMATION PRESENTLY, FOR THE PEOPLE OF THE UNITED STATES.

212. "HE", OR THE GOVERNMENT OF THE UNITED STATES, "HAS EXCITED DOMESTIC INSURRECTIONS AMONGST US, AND HAS ENDEAVOURED TO BRING ON THE INHABITANTS OF OUR FRONTIERS," AGAINST ONE ANOTHER. (FRONTIERS IN THIS CASE BEING THE ANIMOSITY OF VARIOUS JUDICIALLY CREATED ENEMIES, SUCH AS THE BATTLE GROUNDS CREATED BETWEEN BLACK AMERICANS AND WHITE AMERICANS THROUGH FORCED DESEGREGATION, RATHER THAN EQUAL FINANCIAL INVESTMENTS IN BLACK BUSINESSES, SCHOOLS, AND INTEREST. FOLLOWED BY VOLUNTARY INCENTIVES TOWARDS A RESPECTABLE CO-MINGLING,

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PG. TO

BY WAY OF AN EQUAL FOOTING, POLITICALLY AND SOCIALLY, AN ASSOCIATION THAT IS ACCOMPANIED BY DIGNITY AND HONOR ! RATHER THAN HUMILIATION AND INFLAMATORY CONTEMPT . THE GOVERNMENT OF THE UNITED STATES FOSTERED THE CURRENT RACIAL DILEMMA, IN THE SAME MANNER AS THEY HAVE DIVIDED THE HOMOSEXUAL FACTION AND THE CONSERV-ATIVE RELIGIOUS FACTION, THROUGH FORCED COMPLIANCE THAT IS CONTRARY TO THEIR DEEP CONVICTIONS. THEY HAVE EXCITED DOMESTIC INSURRECTION AMONGST US, AND THAT PRIMARILY THROUGH JUDICIAL CONSTRUCTIVE POWERS !

213. IT IS TIME FOR THE PEOPLE OF THE UNITED STATES TO "THROW OFF SUCH GOVERNMENT", THROUGH CONSTITUTIONAL MEANS, TO CALL ON THE STATE GOVERNMENTS — "TO ARREST THE PROGRESS OF THE EVIL", IF NEED BE, THROUGH THEIR

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CITIZEN MILITIA FORCES!

214. THIS PRESENT ZEAL WILL DISIPATE. THE CONGRESS AND COURTS WILL MAKE DISINGENUOUS PROMISES THAT WILL FAIL, JUST AS THEY DID IN 1868, AND 1966. THE TRUE CONDITION IS NOT A MATTER OF BLACK AND WHITE, IT IS A MATTER OF "THE GENERAL PREY OF THE RICH ON THE POOR."[55] IT PERMEATES THE NATION; IT DOMINATES THE WORLD. YET, OUR CONSTITUTION PROTECTS THE PEOPLE OF THE UNITED STATES! FOR THAT REASON, IT IS APPROPRIATE TO DEMAND REDRESS!

215. THE EIGHTH ARTICLE OF AMENDMENT WAS MADE A PART OF THE BILL OF RIGHTS, ACTING WITHIN preëxisting CRIMINAL JURISDICTIONS TO PROVIDE THAT VOICE OF RESISTANCE UNRESTRAINED BY SUCH MEN AND WOMEN EMPLOYED BY THE O.B.O.C., TO SERVE THE WILL OF CORRUPT COURTS!

F.N.#

55 | SEE JEFFERSON TO EDWARD CARRINGTON JAN. 1789

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THESE LEGAL ARGUMENTS ARE SUBMITTED TO THE

U.S.D.C. W.D./OK., THIS DAY OF , 2020.

SHERRY DAY
NOTARY
18002542
EXP. 03/12/22
PUBLIC
STATE OF OKLAHOMA

6/29/2020

RESPECTFULLY SUBMITTED

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